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REPRESENTATIVE

MEN

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OF

THE SOUTH.

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# CONTENTS.

	PAGE		PAGE
Aldrich, Alfred Proctor.....	131	Kennedy, Samuel Horton.....	416
Anderson, William Henry.....	136	Ketchum, George Augustus.....	323
Bagby, George William.....	430	King, John Pendleton.....	83
Baldwin, William Owen.....	220	Langdon, Charles Carter.....	190
Battle, Kemp Plummer.....	370	Lawton, Alexander Robert.....	79
Bayne, Thomas Levingston.....	489	Leaphart, Sherod Luther.....	482
Beauregard, Pierre Gustave Toutant.....	118	Lochrane, Osborne A.....	337
Belden, James Gridley.....	466	Logan, Samuel.....	376
Bemiss, Samuel M.....	527	Magrath, Andrew Gordon.....	318
Bermudez, Edward Edmund.....	454	Manning, Thomas Courtland.....	15
Blackwell, W. T.....	506	Marr, Robert Hardin.....	277
Bragg, Walter Lawrence.....	304	McGuire, Hunter Holmes.....	510
Brown, Joseph Emerson.....	153	Memminger, Christopher Gustavus.....	33
Campbell, Henry Fraser.....	204	Meredith, John A.....	273
Campbell, Robert.....	551	Merrick, Edwin T.....	494
Carr, Julian S.....	507	Moncure, Richard C. L.....	425
Carter, David Miller.....	418	Moore, B. F.....	514
Chaillé, Stanford Emerson.....	111	Norwood, Thomas Manson.....	261
Chamberlayne, John Hampden.....	428	Ould, Robert.....	31
Clopton, David.....	475	Palmer, Benjamin Morgan.....	357
Cochran, Jerome.....	384	Pearson, Richmond Mumford.....	350
Colquitt, Alfred Holt.....	5	Polk, Leonidas L.....	354
Cox, William Ruffin.....	301	Pope, Joseph Daniel.....	347
Curry, Jabez Lamar Monroe.....	287	Porter, William Denison.....	151
Daggett, David S.....	417	Pritchard, Thomas Henderson.....	373
Davidson, John Shelton.....	197	Rains, George Washington.....	420
Day, James Right.....	506	Randall, James Ryder.....	505
Dugas, Louis Alexander.....	364	Richardson, Tobias Gibson.....	406
Elmore, John Archer.....	402	Ruffner, William Henry.....	465
Engelhard, Joseph Adolphus.....	317	Semmes, Thomas J.....	529
Estes, Charles.....	290	Sibley, Josiah.....	491
Fitzhugh, Edward Henry.....	286	Sibley, William C.....	492
Foote, Henry Stuart.....	326	Simons, James.....	483
Fuller, Thomas C.....	315	Sims, Robert M.....	440
Garnett, Alexander Yelverton Peyton.....	252	Smedes, Aldert.....	289
Gartrell, Lucius J.....	94	Smith, William Nathan Harrell.....	38
Gaston, John B.....	97	Stewart, George Noble.....	296
Grissom, Eugene.....	271	Stokes, Allen Young.....	443
Gutheim, James Koppel.....	214	Tucker, Rufus Sylvester.....	439
Hagood, Johnson.....	78	Tucker, William Henry Haywood.....	433
Hampton, Wade.....	245	Vance, Zebulon B.....	292
Haxall, Philip.....	521	Wallace, Campbell.....	83
Haxall, Richard B.....	519	Walton, James Burdge.....	143
Haywood, E. Burke.....	523	Watts, Thomas Hill.....	40
Heck, Jonathan McGee.....	250	Weatherly, Job Sobieski.....	173
Heth, Henry.....	77	Westmoreland, Willis Foreman.....	431
Hofman, Abraham.....	93	Wheeler, Joseph.....	239
Hunter, Robert Mercer Taliaferro.....	472	Whittle, Francis McNiece.....	292
Jarvis, Thomas J.....	522	Williams, George Walton.....	186
Johnson, John Milton.....	435	Wiltz, Louis Alfred.....	444
Johnston, Joseph Eccleston.....	324	Wingate, W. M.....	323
Kemper, James Lawson.....	75		









Yours truly  
Alfred Holquitt

# REPRESENTATIVE MEN

OF

## THE SOUTH.

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### GOVERNOR COLQUITT,

GEORGIA.

**A**LFRED Holt Colquitt was born in Walton Co., Ga., April 20th, 1824. His grandfather, Henry Colquitt, a farmer, was a native of Virginia, and moved into Georgia about the year 1801. His father, Walter T. Colquitt, a lawyer of Columbus, Ga., was, take him for all, perhaps the most brilliant man Georgia ever had: Judge of the Superior Court for over ten years, Member of Congress and United States Senator, his versatility was something wonderful. His mother was a Miss Lane, and her ancestors were of old Virginia stock, tracing their descent back to the time when Virginia was a colony. Peyton Colquitt, the brother of the subject of this sketch, was Secretary of the State Senate in 1856 and 1857, and during the war a Colonel in the Confederate army: he was a strikingly handsome man, and had a brilliant future before him, when he was killed at the battle of Chickamauga. Governor Colquitt's sister married Colonel Orlando B. Vickling, at that time a member of Congress for Illinois.

Alfred H. Colquitt was prepared for college by Carlisle P. Beman, a distinguished scholar of his day, and entered Princeton College in 1842, and having joined an advance class, graduated thence in 1844. Among his classmates

were Rev. Dr. Schenck; Professor Walling, President of Columbia College, Washington, D. C.; H. C. Chambers, of Mississippi, afterwards a member of the Confederate Congress; and John H. Thomas, now a prominent lawyer of Baltimore. He studied law under his father at Columbus, was admitted to the bar in 1845, and commenced practice at Macon, where he remained until the outbreak of the war with Mexico in 1847, when he received the appointment of Paymaster, with the rank of Major in the Staff Department. He served on the line of operations occupied by General Zachary Taylor on the Rio Grande, and as volunteer aide-de-camp to General Taylor participated in the battle of Buena Vista. On the termination of that war his was made an appointment in the regular army, but he resigned in 1848 and returned to the practice of his profession in Macon. On May 15th, 1848, he married Miss Dolly Tarver, daughter of General H. H. Tarver, an old militia officer of Twiggs Co., Ga. About this time he commenced planting on a large scale in Baker Co., S. W. Georgia, and afterwards became one of the planter princes of the State, having produced from his different plantations in one year no less than 1200 bales of cotton. In 1852 he was elected to Congress from the Second Congressional District, and relinquished the practice of the law: having served one term, he was unanimously renomi-

nated in 1854, but in consequence of the death of his wife and father declined the nomination. In 1856 he was elected a delegate to the Democratic Convention at which James Buchanan was nominated, and in 1860 was a delegate to the Democratic Convention, held at Baltimore, that nominated J. C. Breckenridge; he was also a Breckenridge elector. When the war broke out he entered the Confederate army as Captain of the Sixth Georgia, and was afterwards elected its Colonel. He was present with his command at Yorktown, Va., and participated in all the battles of the Seven Days' Fight around Richmond, during which he was made Acting Brigadier-General in command of General Rains' brigade. He took part in the first campaign into Maryland, and was ordered to reinforce General J. E. B. Stuart, then at South Mountain, near Boonsboro. General McClellan was at that time making his move through Frederic towards Antietam, and his presence at that point was so unexpected by the Confederates that Stuart had left when the Federal forces came up. The first notice of the approach of McClellan's army was conveyed to General Lee by General Colquitt, and with one brigade of infantry and a battery of artillery he confronted for twenty-four hours the Federal forces as they came up by detachments until the Confederate army could be brought up. At the sanguinary battle of Sharpsburg which followed, he had his horse shot under him, and after the battle was made Brigadier General. He was engaged in all the battles of the Army of Northern Virginia, until the commencement of the Pennsylvania campaign, when he was ordered to Charleston. In one of the fights at battery Wagner he had a narrow escape from being shot, the ball passing through the crown of his hat. In Florida, at the battle of Olustee or Ocean Pond, he distinguished himself greatly, and by his successful generalship completely defeated the Federals, and thus terminated their occupation of that part of the country, and saved Florida and the lower part of Georgia from devastation. His gallantry in that memorable fight obtained for him the title of the "Hero of Olustee:" he

seemed to bear almost a charmed life as he rode on his white horse, a conspicuous object for the enemy's fire, and a Federal officer afterward stated that the soldiers' attention was specially directed to him, and that whole platoons fired at him at a time; he escaped unhurt, however, although his horse was wounded. Returning to Virginia with General Beauregard, with whom he was a great favorite, he commanded a division at Drewry's Bluff. When General Grant transferred his forces from the north to the south bank of the James river, with the view of investing Petersburg, General Colquitt's troops, with those of General Hagood, of South Carolina, were hastily moved to protect that city. The two Generals in their reconnoissance found no organized Confederate force between the city and General Grant's advance guard, and at night, without any knowledge of the surrounding country, seated in a ditch to escape observation, they, with the assistance of an old map and by the light of a candle, laid down the lines of defence and stationed their troops, Colquitt on the right and Hagood on the left. These afterwards became the permanent lines of fortification around the city, and that point became a noted position, and was known as "Colquitt's Salient." In recognition of his distinguished valor and meritorious service he was recommended for the appointment of Major-General; but though it is understood that his commission was issued, in the confusion incident to the last days of the Confederacy it never reached his hands.

After the war he returned to his plantations in Baker county, and being very popular with the colored people, their altered condition interfered but little with the regular work, most of his former slaves retaining their old positions, as many still do to this day. In 1868 he was a delegate to the Democratic Convention held at New York at which Horatio Seymour was nominated, and was afterward a Seymour elector. In 1870 he was elected President of the State Democratic Nominating Convention, and on the same day, a totally unprecedented honor, was elected President of the State Agricultural

Society, the most coveted position next to that of Governor in Georgia; holding that office for six successive years, until he was elected to the Gubernatorial chair. In 1872 he was elected a delegate-at-large to the National Democratic Convention held in Baltimore at which Horace Greeley was nominated. In the fall of 1876, after having repeatedly declined the honor previously, he was nominated for Governor to succeed Governor James M. Smith. Several names were canvassed and urged for nomination in opposition to him, among them Hon. Herschel V. Johnson, previously Governor for two terms, United States Senator, candidate for Vice-President on the Douglas ticket, and Confederate States Senator; Hon. Thomas Hardeman; General L. J. Gartrell; and John H. James, the well-known banker. The feeling in favor of General Colquitt, however, was so strong as to overcome all opposition, and the names of the other candidates having been withdrawn, he was nominated unanimously by one of the largest and most influential Conventions ever held in the State. He was elected by the unprecedented majority of 82,000, by far the largest ever cast for Governor in Georgia.

In October, 1877, President Hayes visited Atlanta, and Governor Colquitt's eloquent address of welcome elicited the highest encomiums, not only in Georgia, but all over the North and West; it was reproduced in the journals of every section with the most unstinted praise for its admirable taste and high ability, being cordial without fulsomeness, hospitable without sycophancy, and manly without brusqueness. It fairly and justly represented the hospitality of a generous people, and yet in no way transcended the bounds of the most refined good taste. Secretary Evarts was heard to remark just after the Governor had closed his address of welcome—"I have not felt as happy in fifteen years." He said: "Mr. President, in behalf of the people of Georgia I bid you and your companions who are present a cordial welcome. We are in the habit of opening our hearts and our gates to strangers who come among us from beyond our borders, and to us the virtue of hos-

pitality is its own exceeding great reward. Under any circumstances the hospitality of which we trust Georgia may justly boast would make the President of the United States heartily welcome upon our soil. But you, sir, come into our midst not as a President only. The vast interests over which you preside, the stupendous power which you wield as Chief Magistrate, the dignity with which your name is invested by that power, are not the sole ideas which move us in this greeting to-day. But that which is most prominent in our minds, higher and greater than every other distinction, is the character you have illustrated—that of peace-maker between brethren estranged. It is enough to fill the measure of the loftiest ambition to remove fear and suspense from the hearts of twelve millions of people—your fellow-citizens—and restore to them a sense of repose and security. If the agencies which lately brought forty millions of people into fearful and unhappy conflict excited the attention of the whole world, the moral purpose, the firm will of the fortunate magistrate who is first to control and calm the spirit which raised this mighty strife, will attract the admiration and plaudits of the good everywhere on earth where good-will to man prevails. How strange—how passing strange—that men, brethren of the same political heritage, can differ or doubt as to the beneficial effect of so holy an undertaking! We invite you, Mr. President, to the closest scrutiny. We are not mistaken, we do not deceive ourselves, we do not intend to deceive ourselves, when we say we mean peace, we mean union, we mean good government—we mean to give a helping hand to any and to all who shall honor, bless and dignify the common country. The great moving cause of these hearty demonstrations which have greeted you since you touched Southern soil is to be found in the generous confidence you have extended to our professions. We know, Mr. President, that you believe what we say, and your magnanimous trust exacts no cringing, no servile guarantees. Differ though we may in party affiliations, yet without thinking of complications or caring for them, we can assure you of the sym-

pathy and support of this good old commonwealth in all your efforts in behalf of constitutional government and the complete restoration of good-will and fraternity between the States of this Union. Again, sir, let me assure you of the pleasure which your presence here to-day gives us, and of our ardent desire to make your visit, and that of your companions, pleasant while you stay with us. In this spirit, and in the name of the people, I bid you and your noble wife, these gentle ladies and honored gentlemen, a most cordial welcome."

In April, 1878, the meeting of the International Sunday School Convention was held at Atlanta, and was one of the ablest bodies of men that ever assembled. Their meetings were held in the First Baptist Church. Governor Colquitt was selected as the President of the Convention and delivered the address of welcome. His speech on taking the chair made a deep impression, completely capturing the Convention, and his admirable tact and dignity during the entire week in which he presided over that body augmented the favorable opinion of the members to a perfect enthusiasm. It was something unusual that a public man in high office should so ardently identify himself with religious missions, and the members showed their sense of his zeal by electing him the permanent presiding officer of the body. The selection of the Governor of Georgia for that position was a great compliment as well to him personally as to the State; notwithstanding his official duties he was present at every session of the Convention, and received the delegates in the Executive Mansion with a warmth and heartiness which characterize Southern hospitality. Thirty-four States, two Territories, and the Canadas were represented at this meeting, and the statistics showed that at that time there was 7,651,696 members in the Sunday schools of the United States and Canada alone. A visitor who was present thus writes to his friends: "A brave and honored leader in the field in a cause in which he sincerely believed, now devotes his energies with equal sincerity and fidelity to the work of building up again. He accepts the new order of things, and, though Governor of

Georgia, he does not deem it beneath his position to be found frequently preaching the word in the colored churches in Atlanta." The friends which the Governor made in that Convention embraced names among the most distinguished in the several religious denominations, both in the United States and Canada.

On April 30th, 1878, the annual celebration of Memorial Day, he laid the corner-stone of the Confederate Monument to be erected by the Ladies' Memorial Association at Macon, Ga., and in an earnest and eloquent speech, the noble and patriotic sentiments of which made a deep impression, he said: "The South went to war for principle, and not from disgust or enmity to the old order of things; for the Constitution as interpreted by the fathers, for the Constitution with its checks and balances, for the Constitution with its restraints upon power, its protection of the weak, its traditions and memories, every Southern heart would have imperilled its life-blood. The war as made by the South was but a struggle to preserve the principles of that Constitution. . . . The day is fast approaching when men who once faced us with muskets in their hands will clasp us fraternally and admit that our hearts were right, and if we erred it was because we loved the rights of the State too sensitively and too well. From this point of departure let us take up the great and good work. With that sincerity and earnestness of soul which has ever marked our history in the midst of strong public interest let us prosecute the task of a complete restoration of peace. We will honor our dead—we will gather annually around their graves with a tribute of tears and flowers—we will cherish their memories and defend their names against the assaults of false accusers—we will raise monuments to transmit their fame to ages to come—this will we do in love for them and for the cause which perished with them. But we owe a debt to the living. The future as well as the past demands our concern. This is our country, here are the graves of our fathers, here will we be buried, here are our homes, here are our children. Let us seek to make the country a land of peace—to make our homes

peaceful and permanent, and our children happy, buoyant and hopeful. There should be no further strife between the sections. I will not believe that a people so committed to each other by the terms of a great compact, so bound to each other by moral and religious ties, will ever consent to see a part of this grand sisterhood of States only tolerated in its freedom, or bowed down in the shame and humiliation of unjust bondage. Let men who desire this have a care. Let the cruel and arrogant giant think a moment how long life can be endured if he is chained indissolubly to a dead carcass. My friends, if you could prove unfaithful to the duty you owe to our common country in defending and perpetuating the rights of freemen, then of all men you will be the most culpable and the most miserable. The men whose memories we cherish by the noble monument you this day begin to erect, laid down their lives as they firmly believed in defence of that interpretation of freedom under our Constitution which was a tradition with us. All they hoped to accomplish by war was the preservation of such rights as the Constitution guaranteed. We this day and for all time will honor them most by upholding in all its strength and purity such a government as that Constitution has established. If they could speak from their serene heights they would bid us to forget and forgive, and with surviving comrades and surviving foes they would plead for peace, justice, and fraternity."

In May, 1878, Governor Colquitt was a delegate from the North Georgia Conference to the Eighth General Conference of the Methodist Episcopal Church, South, held in Atlanta. On the presentation of the fraternal delegation from the African Methodist Church to the General Conference, an interesting incident occurred which exhibits the affection which the African race has always manifested for Governor Colquitt. One of the colored speakers feeling parched from the excessive heat asked for a glass of water, and the Governor, with his usual courtesy, handed one to him. When this delegate was introduced by the Bishop to the Conference he said: "Let me state a circumstance which

has just now occurred. When in the vestry there we were consulting your committees, among whom was your illustrious Christian Governor, the Hon. A. H. Colquitt. Feeling an unusual thirst, and expecting in a few minutes to appear before you, thoughtlessly I asked him for a glass of water to drink. He, looking about the room, answered, 'There is none; I will get you some.' I insisted not, but presently it was brought and handed me by the Governor. I said, 'Governor, you must allow me to deny myself this distinguished favor, as it recalls so vividly the episode of the warrior king of Israel, when with parched lips he cried from the rocky cave of Adullam, "Oh, that one would give me drink of the water of the well of Bethlehem that is at the gate." And when three of his valiant captains broke through the hosts of the enemy and returned to him with the water for which his soul was longing, regarding it as the water of life, he would not drink of it, but poured it out to the Lord. So may this transcendent emblem of purity and love from the hand of your most honored collaborer and friend of the human race ever remain a memorial unto the Lord of the friendship existing between the Methodist Episcopal Church, South, and the African Methodist Episcopal Church, upon the first exchange of fraternal greeting.'"

In the same month the Gate City Guards of Atlanta visited Charleston, S. C., accompanied by Governor Colquitt. This visit, originally intended as one of a private nature for the purpose of drill and exercise under canvas, grew into the proportions of a grand parade, at which the troops and people of South Carolina gave a perfect ovation to their visitors from Georgia. Governors Hampton and Colquitt were present, and the reception of Georgia's Governor was no less enthusiastic than that accorded to the gallant Hampton.

While in Charleston Governor Colquitt by special invitation visited the Confederate Home, where he addressed some feeling words to the young ladies; and by special request delivered an address before the congregation of Trinity Methodist Episcopal Church, in which the

deep earnestness of the speaker held his audience spell-bound.

On his return to Georgia he reviewed the colored troops at Savannah, on the occasion of the first State prize drill of colored companies ever witnessed in Georgia. Companies were present from Macon, Augusta, and Savannah, and the review was witnessed by five thousand colored people.

At Savannah he attended the Convention of the Colored Baptist Sunday Schools at the Second African Baptist Church, and made one of his most impressive addresses, plain and frank, discussing the relations of the two races, and holding the immense throng with a growing interest—a simple, earnest, powerful and eloquent address, couched in language that all could understand.

In June, 1878, he was present at the annual commencement of the Trinity Methodist College, N. C., and in an address before the Columbian and Hesperian Literary Societies, said:

‘In the South the whole effort seems to have been devoted to a physical regeneration. This was well as far as it went, but it did not cover the whole ground. The Southern autonomy before the war was in many respects a peculiar and noble one. I speak it in no invidious or vain-glorious spirit. Our people had honor, truth, courage, and genuine reverence for the good. They lacked mercantile shrewdness, perhaps, to some extent, but they possessed to the full mercantile integrity. They were probably too quick to anger, over-munificent in hospitality, and given to excess of social pleasure. But these faults, if faults they were, were exaggerations of excellencies. They were sometimes autocratic and hot-blooded, never subservient, mean or dastardly. They were restless under affront, but deceit and fraud were uncommon offences. They had the virtues and faults of hereditary gentlemen, pride of family and character, graces of transmitted culture, high honor, gentle chivalry, respect for women, reverence for God. They were a people of convictions. Their public men were earnest states-

men of patriotic purpose, defined policy, disinterested public spirit, and the enthusiasm that constitutes the most effective element of winning eloquence. In State and National counsels Southern representatives were distinguished for stainless honesty and a firm adhesion to their convictions. The prosperity of the South was the direct result of her social polity and the agricultural character of her wealth and institutions. The war with its ruthless consequences has not simply undermined the very basis of morality and virtue, but in the South it has wrought a revolution so startling and exhaustive that the lover of the old times, the admirer of old institutions, can find but little familiar upon which his wearied eye can rest. All wealth gone, poverty made universal, the system of labor swept away, former customs and habits abandoned, new and different methods of labor and subsistence imposed, new relationships of capital and labor established, new ideas in vogue; the new state of things is one so novel and strange that the survivors of the old regime, impoverished and bewildered, are stranded upon the new era hopeless and helpless. Wedded to the past, accustomed to the old, they find it difficult to conform to the new order of things which repels, antagonizes and shocks them. In sorrow, gloom, and almost in despair they are passing the remnant of their days. . . . The beginning of the work of public regeneration is in the home circle and the private character. Let us recall of the past its good; its institutions are gone; its schemes of social and public polity are gone; its relations and methods are gone; but its principles of virtue and practices of morality are in our grasp—they are imperishable. Public virtue is but the aggregate of individual virtue. The better days of the past to which our old men so fondly refer were simply the time when there were more individual instances of pure character and personal integrity. Each one has his part to perform in our deliverance from the evils of the day. Each one, however humble, can do something in the noble work of restoring better times. Let us recall the old standards of honor;



let us bring back the days when a gentleman's word was his bond, when the bargain of his convictions was a crime, when truth was dearer than profit, when treachery and falsehood carried disgrace, when crime involved ostracism, when female virtue was the sacred object of guardianship for all brave men, when courtesy was deemed consistent with strength, and when the centre of all earthly happiness was found in the God-given paradise of home. But the work does not end here. What a field is there for the reformer in the administration of public affairs! I have alluded to what I feared was the melancholy degeneracy of private sentiment;—the low grade of public morality is still more manifest. The spectacle in government for the last ten years has been something frightful. I do not mean that we have not had public men and representatives whose integrity, whose purity, was above reproach and beyond suspicion, with whom the spirit of liberty and the love of truth remained uncorrupted and unextinguished. But the ruling spirit in public matters has been the inspiration of a corrupt demagogism. Party has usurped the throne of patriotism, political intrigue has supplanted statesmanship, place and not public good is the motive to action. The grade of public morality has so degenerated that malfeasance in office carries no stigma if saved from its penalty by some ingenious technicality. Fraud and bribery are acknowledged weapons of political management. The public sense seems debauched by its familiarity with incidents of fraud and corruption. It greets revelations of infamy in its public servants with an apathy of resentment which is as significant of popular demoralization as the official crime. Public sentiment must be restored to that vigorous virtue which will strike crime with the thunders of its indignation. The pure practices of the Republic must be revived and the example of its statesmen enforced. The fountains of power must be purified. The pulpit, the school-room, the domestic altar, the press, must all be arrayed on the side of right in this mighty campaign. Society must be purified and elevated; a higher intelligence, a sterner virtue must prevail; a

nobler manhood must take the place of the selfish, scheming, profligate demagogues who crowd into the high seats of official life to plunder and ruin the country and degrade humanity.”

Many of the members of the Sunday School Convention who had visited Atlanta joined in an urgent request that Governor Colquitt should take part in the annual gathering of the friends of Sunday School work, held at Chautauqua, N. Y., and the invitation was accepted. The gathering took place at Fair Point, on Chautauqua Lake, near Lake Erie, in western New York, August 15th, 1878, and the hearty and considerate reception accorded the Governor was most unusual and striking. After the years of bitterness and strife which had divided and estranged the North and South, it was a fact well calculated to cause peculiar gratification to witness the demonstrations of national unity and fraternization beginning in Atlanta at the great Sunday School Convention, and finding its most energetic expression at Chautauqua on the occasion of Governor Colquitt's visit. Thousands of people were present from the neighboring States, and the occasion was one of unalloyed pleasure to all. Addresses of welcome were delivered by Dr. Vincent and Bishop Foster, of Boston, the latter of whom said: “It is not the welcome of the North to a distinguished Southern gentleman and statesman. It is not the welcome of one section of the country to a citizen of another section of the country; but it is the welcome of a nation's gathering to a nation's citizen. This assembly differs from all other assemblies that I have visited in my public life of forty years. It is not like the old-fashioned camp gathering where people of a peculiar locality or particular section gather together specifically for religious purposes, for evangelism, for building themselves up in faith, for reclaiming and recovering their brothers and their children and their husbands and their parents from sin to practices of holiness, and yet it is characteristically a religious assembly. It is an assembly of thoughtful, earnest, studious minds, in pursuit of truth—earnest for the acquisition of knowledge. The distinctions which are given

to men in this place are distinctions because of some service that they have rendered to the race, or which they are supposed to be capable of rendering to the studious and thoughtful audience that gathers here at early morning and remains until late at night for twenty days. There is not the like of it anywhere, so far as I am informed or my observation has extended either in our own nation or any other Christian nation, or any other nation upon the face of the globe. There is no political significance in this gathering or in this hour. It is not because of even the political distinction which our guest has honorably and honestly won for himself; it is not because he has attained to the honorable position of Governor of one of the great States of this Union that you accord him this magnificent welcome. It is indeed a high distinction: you recognize it. Were he simply a private citizen it might not have been accorded to him, and yet it was not because of this distinction that you are here to render him this honor and this welcome. In this assembly, your Excellency, the only passport to esteem and respectability and respect is that of an honorable and noble character wrought into a useful and holy life. You are welcomed here because of your personal excellence and because of your private character—because of what we have learned of you as a husband, as a father, as a citizen, as a Christian, even more than the fact that you are the Governor of the distinguished State over which you preside.”

Governor Colquitt, in reply, said:

“The voice from the South which I feel I may be commissioned to speak in this presence is that there is a need all over these States for a higher, purer, more elevated standard of morality and religion, and that there is need of a more profound and universal feeling of fraternity. We must as Christians and as statesmen rise to the recognition of the overmastering fact that this Union must be a ligament of love. The broad realms of history are full of instruction. Our own national experiences furnish timely and valuable admonition. The gospel of love is the statesmanship for severed and estranged sections.

The philosophy of true and permanent reconciliation is kindness. Apply it to the relationship of the sections and all the sectional difficulties will disappear, the rule of passion will end, the trickery of demagogues will be powerless, the love of country will be permanent, the pride of nationality will be restored, and we shall have a pure, happy, and virtuous people. Let the National Union typify a Christian Union and be its synonym.”

The administration of Governor Colquitt has been singularly successful in winning the confidence of the colored people, and has had a marked effect in breaking down their groundless prejudices. His firm, kind, and just course towards them has been the means of bringing them to a true perception of their relation to their white fellow-citizens.

In the fall of 1878 the colored people of Liberty county invited Governor Colquitt to visit them, in connection with a meeting of their Sunday School Convention, in the following terms:

*“To His Excellency, Governor Colquitt, of Georgia, greeting:—*At a meeting of a general committee from the various committees of the colored people of Liberty county and adjoining counties, it was proposed to invite your Excellency to visit our county and people with a view to a cordial acquaintance and the hearing of your fraternal counsels. The proposition was received with enthusiasm, and adopted by a unanimous resolution.

“The undersigned committee was appointed to draft this letter of invitation to assure you of the earnest desire of our people for your visit, and a hearty welcome to our midst. It is an honor that this old county never before received, and it would be especially appreciated by your colored fellow-citizens as a cordial recognition of their new citizenship, and an encouragement to their efforts to become better and wiser citizens, and to take their place honorably by the side of their white fellow-citizens. And we believe that the visit of our beloved and honored Governor would increase and cement the kindly friendship already prevailing between us and our

white brethren. We are particularly happy that our Governor is a Christian man whose influence in our country and State will be for 'peace on earth and good-will among men.'

"We entreat your Excellency, therefore, to give this invitation your kind consideration, and to meet us and our children in the ancient Midway ground, on Thursday, October 17th, 1878, at ten o'clock A. M. And we pray that our common Lord will have you in His keeping, to strengthen your health, to aid you with wise counsellors, and to make your term of office a happiness to yourself and a blessing to the State of Georgia. In behalf of our several committees we remain your cordial friends and fellow-citizens."

The letter was signed by members representing the Methodist, Presbyterian, Baptist and Congregational committees. In response to this invitation the Governor visited Liberty county, and addressed the colored people, who assembled in great numbers to meet him, and gave him a most enthusiastic reception.

It is an unfortunate peculiarity of political life that calumny is the inevitable accompaniment. No purity of character or rectitude of conduct seems proof against the poison of the slanderer. The annals of public service swarm with instances of pure and noble men suffering unjust detraction. It would almost appear the rule that the more conspicuous the public elevation, and the more shining the excellence of a public man, the more surely is he liable to become the victim of aspersion. Aristides was banished because of his goodness. It is related of him that he met a voter unacquainted with him who requested him to write his vote of banishment against Aristides. Aristides asked him why he wished Aristides banished. The man replied, because he is called "just." The incident embodies the venomous philosophy of this poor, miserable disposition of humanity to pull down its exemplars of worth.

Governor Colquitt in his varied experiences of an almost uniform distinction and marvellous popularity has not escaped the bitterness of calumny. One might have readily supposed that his

life-long Christian piety and luminous record of worth would have saved him this anguish. His life, so beautiful in its religious lustre, and his character, so spotless in its every phase and aspect, might well have been deemed slander-proof against any possible malignity. But the ordeal that seems inevitable to all pure public men came to him. It has, in some respects, been fortunate for him. Coming out of the fire unscathed, the very trial has but shown more resplendently the radiant integrity of the man, and seated him more firmly than ever in the hearts of the people who seem so delighted to honor him.

The calumny against Governor Colquitt has been an illustration of what a large matter can grow out of a most inconsequential cause. In the light of the developed facts, after a most tedious investigation, it is ridiculously farcical that the calumny should have had a moment's existence.

The Governor, among the earliest matters called to his attention, had pressed upon him the endorsement of the bonds of the North Eastern Railroad. The road runs from Athens, Ga., to the Carolina line. It was chartered in 1870, and State aid granted to it at the rate of \$20,000 per mile, the State to endorse its bonds whenever twenty miles were done. In 1874 the Legislature repealed all of the State aid grants, except where the roads had gained vested rights by the investment of money to get State aid. The same Legislature passed a resolution excepting the North Eastern Railroad from the repeal. Upon the assurance of the Governor of Georgia that the aid would be granted when the law was complied with, the company went forward and incurred expense to complete forty miles of the road. When Governor Colquitt came into office the railroad company applied to him to endorse the bonds. He referred the company to the Legislature, but that body did not have time to act. Before the next General Assembly met the creditors of the road brought suit, and the issue came up distinctly before the Governor to endorse the bonds or let the road be sacrificed. Under his official duty he en-

dorsed the bonds at the rate of \$6,500 per mile, or less than one-half the amount of private capital, and saved the loss of the road. The act was universally endorsed by the press and public men of the State, and met universal popular approval.

Some time afterwards there were whispers that the Governor had taken money to endorse the bonds. This shocking slander gathered force, insidiously circulated. The Legislature assembled, and the Governor sent to that body a message that must rank in all coming time as the finest specimen of the kind ever penned. It would be difficult to conceive a more ringing, eloquent document, blazing with the fire of an outraged honor, and glowing with the intensity of its self-conscious honesty. The paper is so remarkable that it deserves publication.

#### SPECIAL MESSAGE.

“EXECUTIVE DEPARTMENT, ATLANTA, GA.

“November 6th, 1878.

“*To the General Assembly :*

“A grievous necessity has been imposed upon me to demand at your hands a thorough investigation of my motives and conduct as the Executive of Georgia, in placing the State's endorsement upon the bonds of the North Eastern Railroad. This necessity has been created by widely circulated slanders and innuendoes, vile and malignant, and so mendacious and wicked as to make all comment and paraphrase upon them utterly futile. Nothing but a thorough sifting of my every motive and act in regard to these bonds, as far as human insight and judgment can reach these, can satisfy an aggrieved honor or give such assurance to the people of Georgia as they have a right to demand in the premises. To a man who values his good name far more than life it would be an act of supremest injustice to deny the most plenary vindication, rendered in the most august and authoritative form known to the law or to public opinion.

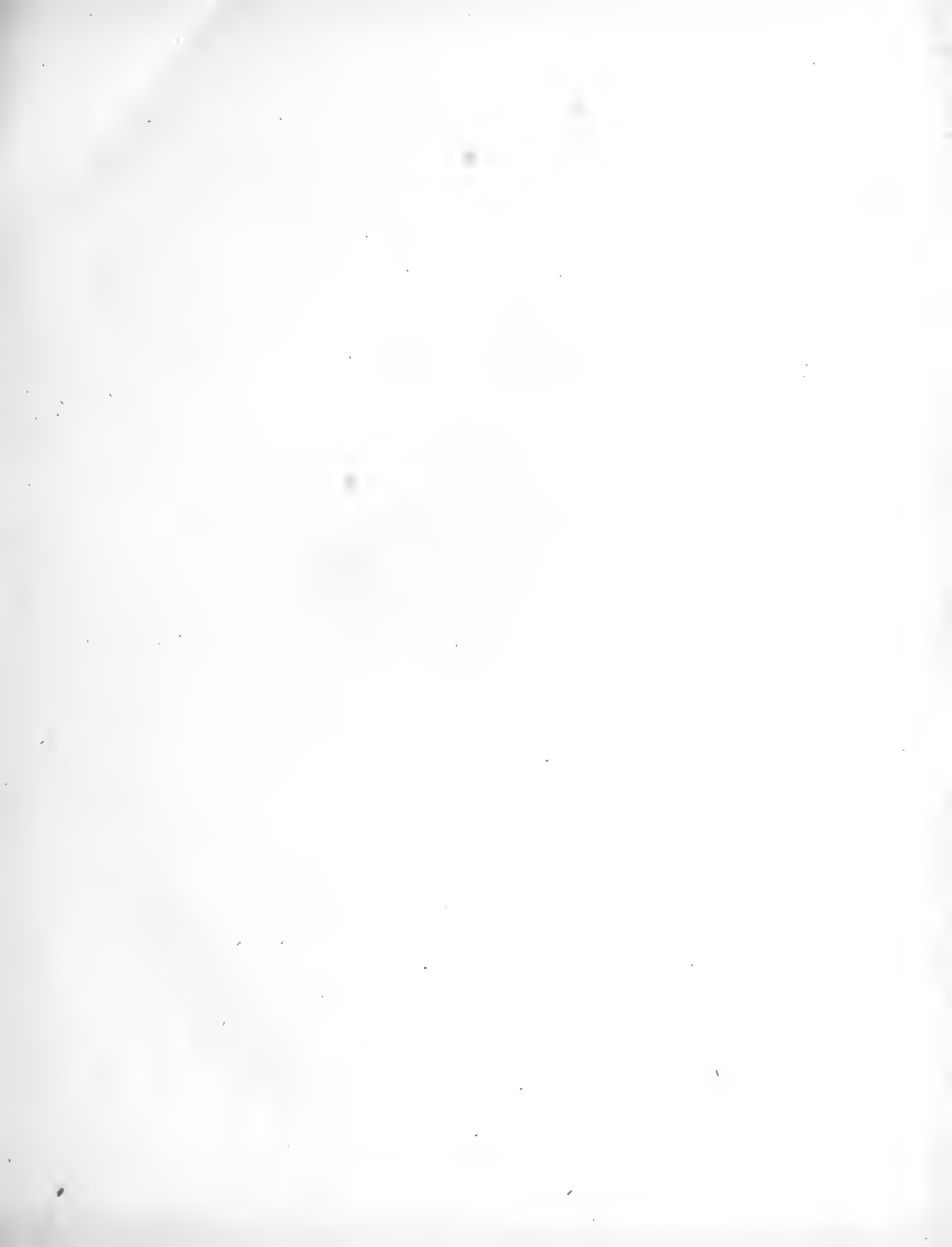
“To the people of this great commonwealth it is of the last consequence that they should know, beyond all peradventure, that the man who fills at their call the chief seat of authority is above reproach or suspicion.

“My denunciation of an awful and stupendous slander, forged and uttered to dishonor me, will not be enough. The General Assembly of the State, a co-ordinate power, is appealed to

for that justice which, while it will, I know full well, exonerate me as a man, will also vindicate the fair fame of Georgia, assailed by cruel slanders on her chief Executive.”

This powerful document, the very language of an incensed innocence, stirred a warm response of feeling approval and sympathy in the General Assembly. A committee of thirteen of the best members was immediately appointed. The investigation continued a month, covering every rumor or shade of rumor. The Governor went through it with a sublime patience. As the utter emptiness of the slander became apparent, a sentiment of indignation began to arise, and the thunders of public displeasure commenced to assail those who had been so ready to traduce a stainless gentleman and a noble official. It was shown that the whole thing had resulted in a personal contest about a fee, and that the endeavor was made to drag the unsullied and unstainable integrity of the Executive into the contest as an element of its settlement. It was a hard ordeal for a proud man. It was a cruel and wanton attempt at calumny for an ignoble purpose. But it broke down so completely that its ultimate effect has been a more solid establishment of the Governor in the popular confidence. The parties engaged in the matter were compelled to change the attack. None were louder than they in asserting confidence in the Governor's integrity, and they denied ever having questioned his purity of purpose or honesty of act. The committee unanimously exonerated the Governor. The Legislature passed resolutions of unshaken confidence. In the serenity of his Christian spirit, the Governor has accepted his overwhelming vindication and the crushing discomfiture of his enemies with the same lofty dignity and impressive manhood that form the substratum of his character, and that ever mark his conduct.

Governor Colquitt possesses perhaps more of the elements of leadership than any man in Georgia, and the high rank he has attained in political, agricultural, and religious circles, evidence the ability, judgment and discretion which he brings to bear upon every subject.





*H. L. Manning*

From his youth up he has been distinguished for morality and modest worth. As a statesman, sagacious, honest, and patriotic; as a soldier, of unobtrusive but heroic courage, gaining his rapid and his well-deserved promotion by thorough efficiency; as a Christian, of deep, fervent, tireless piety, an active member of the Methodist Episcopal Church, South, and an unceasing worker in Sunday-school and church. Possessing unusual oratorical power, he is a facile and eloquent speaker. Unprejudiced, dispassionate and farsighted, he had the courage from the first to accept the situation, and accord to the colored race all they were entitled to, and from the deep interest he has ever taken in their welfare and advancement, he is to-day almost idolized by the African race. Of winning amiability yet firmest decision every Georgian may justly feel proud of one who has in war and in peace battled for the old Commonwealth and a common country. Governor Colquitt was married a second time on July 23d, 1856, to Mrs. Sarah B. Tarver, the widow of Frederick Tarver, a planter and gentleman of great wealth, formerly of Twiggs county, Georgia. His daughter by his first marriage is the wife of Captain T. F. Newell, of Milledgeville, and he has five children by his second wife.

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#### CHIEF JUSTICE MANNING.

##### LOUISIANA.

**T**HOMAS COURTLAND MANNING, now Chief Justice of Louisiana, is a native of North Carolina. He was born at Edenton, a village in the Eastern part of the State, situated on Edenton Bay, a shy and lovely nook of Albemarle Sound. The town is not only remarkable for its topographical beauties, but is further noted as the possessor of a bit of the modern antiquity of our country. There yet stands within its precincts, and in good preservation, the Episcopal Church of St. Paul, which was built by the London "Society for the Propagation of the Gospel in

Foreign Parts," nearly a century and a half ago. Young Manning attended the schools at Edenton until qualified for entrance into college, and then matriculated at the University of North Carolina, where he remained until he completed his collegiate education. His affection for his University has been deep and steadfast, and she, like a true *Alma Mater*, has requited his love, and crowned him with the highest honors in her power to bestow.

Soon after the close of his university course he commenced the study of law, and at the end of many months of deep and diligent reading, passed a successful examination before the Supreme Court of North Carolina, and was licensed by them to practise his profession.

He began his career as a lawyer in his native town, and rode what was then, and is now called, the Edenton circuit. But this was only for a short while. Actuated by that spirit of adventure, which has made the Southwest debtor to the old North State for so many of its able men, in all the walks of intellectual life, he immigrated to Louisiana, and in the latter part of December, 1855, located at Alexandria, where he has ever since resided. Alexandria, at that time, was the centre of a wealthy, cultivated, and populous community, and the young stranger from Carolina found himself not only congenially at home, but also with a fertile professional field spreading around him. It was not long before so vigorous a sickle as his found an abundant harvest.

His handsome presence, his grave but courteous address, his scholarly acquirements, his commanding eloquence, and the high and impregnable basis of character underlying these advantages of mind and person, soon attracted to him a large circle of influential friends. Business sought him almost at once; his clientele grew with a steady and permanent growth, and when our political troubles culminated in 1861 in civil war, he enjoyed a large and lucrative practice, and was the acknowledged leader of the bar in his section of the State.

With his ardent temper, his warm sympathies, his aptitude for affairs, and his eminent capacity



as a speaker, it was impossible for him to keep aloof from the political contests in the State and nation. But, although taking a lively interest and an active share in all those contests, he never sought, and often declined political preferment. His love of personal freedom, his imperious pride, and his æsthetic tastes peculiarly unfitted him for the yoke of the political officeholder. He himself had a clear recognition of this incompatibility, and the knowledge nerved him to resist the opened door to the arena of politics, which more than once tempted him.

From early manhood he was a Democrat of the States rights school, and in 1861 was chosen a member of the convention which was called to consider and readjust the relations of Louisiana with her sister States. He was a prominent and active member of that convention, and voted for the ordinance of secession. Shortly after the adjournment of the convention he volunteered in and was elected a Lieutenant of the first military company raised in his, (Rapides) parish.

Immediately thereafter he was tendered and accepted the position of *aide-de-camp* on the staff of Governor Moore, of Louisiana, with the rank of Lieutenant-Colonel. In May, 1861, he accompanied the Governor to the city of New Orleans, and remained on his personal staff until the summer of 1863, when he was appointed Adjutant-General of the State, with the rank of Brigadier-General. From his appointment on the Governor's staff until 1864, General Manning contributed in a large measure to the success of the former's administration, in its civil as well as in its military department. No plan was adopted, no movement conducted, and no document was issued by the Executive, which were not strongly impressed, if not entirely conceived and shaped by the *aide* and the Adjutant-General.

The office of Attorney-General, made vacant in 1861 by the election of the incumbent, Mr. Thomas J. Semmes, to the Confederate Senate, was tendered by the Governor to Colonel Manning and declined by him.

In January, 1864, General Henry W. Allen,

who had succeeded Governor Moore in office, appointed General Manning Associate Justice of the Supreme Court, which was then presided over by Chief Justice Merrick. The venerable ex-Chief now occupies a prominent place at the New Orleans bar, and bids fair to enjoy the honorable fame and competence he has won for many years to come.

Judge Manning held his position on the Supreme Bench until the close of the war, and in the summer of 1865 returned to Alexandria, and resumed the practice of his profession.

From 1865 to 1870 was the golden harvest-time of the Louisiana lawyers. A large portion of the State had been overrun and for a long while occupied by a hostile soldiery, and nearly every section not thus occupied was invaded by bands of military marauders, dispatched to harass, depredate, and destroy. In many of the districts where these occupations and incursions prevailed the civil tribunals were dominated and disorganized, and in others but very inadequately performed their functions. In consequence of this the administration of justice was partially suspended, so that when civil rehabilitation took place in 1865 there was an immense arrears of legal work awaiting the return of the lawyers.

In addition to this the war itself had bred many novel questions of law, which had to be litigated, and judicially settled. Questions that were not merely curious and difficult, but which involved immense interests. The questions of slaves, and of Confederate money, as the bases of contracts; the binding effect of agreements with enemies, and of agreements looking to the aid and comfort of "rebels," were among those evolved by the war, and in the solution of which one-half of the property values of the State was embraced.

It thus happened that when Judge Manning returned to the practice in 1865, he was confronted by a mass of business that would have daunted a less valiant worker. But he tackled it manfully, and without a partner, and if he had been as diligent to collect as he had been to earn his fees for the succeeding ten years, he could have retired in opulence from the bar.

From 1865 to his second elevation to the Supreme Bench, he adhered strictly to his professional occupations, although always taking an active and leading part in the political movements looking to the liberation of the State from radical dominion.

In 1872 he was a delegate to the Democratic State Convention, and after the adjournment of that body and its failure to agree with the Convention of the "Reform Party" on a common ticket, he was elected to the Convention of the "Liberal Party," which assembled shortly thereafter, and which finally agreed with the representatives of the Democratic party on a ticket which offered McENERY for Governor, and PENN for Lieutenant-Governor.

Judge Manning refused to permit his name to be proposed for nomination, for Governor, in the Democratic Convention, and subsequently, in the Liberal Convention, when his name was actually proposed, he arose in his seat and withdrew it, absolutely refusing to be balloted for.

Speaking of the Democratic Convention of 1872, reminds the writer that it was in that Convention that he first heard Judge Manning speak. The Convention was holding its sessions at the Opera House in New Orleans, and our political condition at the time was so desperate that the proceedings of the Convention were watched with uncommon interest. Among the large outside crowd which thronged the dress circle of the Opera House one hot afternoon, the writer was fanning himself with his hat, and yawning over the platitudes of several of the delegates, who were talking with a painful absence of vocation for the business, when suddenly a tall figure, with broad shoulders, clean flanks, massive brows, and dark eyes burning under them, came from the rear of the proscenium and stood before the foot-lights. He was silent for a moment, and in that moment a sort of hush fell on the Convention. Sympathizing vaguely with the comparative quiet below, the peanut crowd around me cracked their provender less audibly, so that I had a fair chance to hear. The unknown

speaker commenced in a familiar, almost colloquial style, talking quietly, with easy self-possession, standing in one position, and rarely employing a gesture. As he proceeded traces of repressed emotion came out, and as he warmed with his theme his voice became resonant and vibratory; images came up and floated on the current of his argument, and his words fell into periods having almost the poise and balance of blank verse. His remarks were obviously extemporaneous, and yet they were characterized by an aptness of illustration, a compression of thought and a felicity of diction which are the offspring, as a rule, of painful elaboration. The speech was full of matter, and after what had gone before, its compact logic and its well-ordered rhetoric were doubly enjoyable. I forgot the heat for the thirty minutes he was speaking, and I observed that one or two of my peanut neighbors had actually suspended hostilities.

Could the possible in eloquence have gone further than that?

"Who in the devil is he?" I profanely inquired of General Gibson, as the unknown retired from the foot-lights.

"Why that," said he, "is Tom Manning, of Rapides."

In 1872 Judge Manning was made Presidential Elector for the State at large, and in 1876 he was selected as a delegate for the State at large to the National Democratic Convention which met at St. Louis. He was a warm advocate of Mr. Tilden, and earnestly supported him for the nomination.

In the first week of January, 1877, while quietly pursuing his profession, he received a brief communication requesting his presence in the city of New Orleans.

Arriving at New Orleans, he was informed by General Nicholls that the high place of Chief Justice had been set apart for him, and would be tendered to him as soon as the General had qualified as Governor. Would he accept the place?

He answered in the affirmative, but that he did answer in the affirmative was not, everything

considered, so much a matter of course as might at first blush appear. It is true that the salary of the place was large, the term of encumbency long, the office the highest in the gift of the State, and the ultimate goal of legal ambition. And yet, under all of the circumstances then obtaining, it required more than ordinary courage for a lawyer of high reputation, in full practice, and at the head of a dependent family, to accept the office of Chief Justice of Louisiana. The times were out of joint. The air was thick with the breath of storms. Two rival political factions, each formidable in numbers, each thoroughly organized and armed, each wrought up to fever heat, and each inflexibly bent on victory, contended for mastery. Wealth, intelligence, majority and right were on the side of the Democrats, headed by Nicholls. But behind the sooty crew of Republicans, led by Packard, there loomed up in a nebulous but threatening way, the military power of the United States. That power had once been unconstitutionally employed to crush civil liberty in Louisiana, and the probabilities were that it would be again. To accept high office from Nicholls at that time, therefore, seemed like advertising one's self for immolation. It was taking imminent risks of humiliation and official destruction. Judge Manning took the risks, with a full realization of all their possible consequences, and on the day of Nicholls's inauguration, received his commission as Chief Justice of Louisiana.

The installation of the Supreme Judges appointed by Governor Nicholls was probably the most dramatic event that has ever occurred in any court-room of this country. As such, it is worthy of a detailed description.

The night of the 8th of January, 1877, was, without metaphorical exaggeration, big with the fate of Louisiana. That day had witnessed the inauguration of Francis T. Nicholls, in the presence of about three acres of delighted spectators. The great mass of those spectators were transported by the impressive ceremonial they had witnessed, and vented their joy in frequent and enthusiastic expressions of satisfac-

tion. But the more thoughtful of them remembered that, only four years before, the inauguration of McEnery had been attended by just as large a concourse, and was greeted by an enthusiasm just as general and intense; and yet that the Government then set up by the people of Louisiana had been overthrown by judicial proceedings immortal in their infamy, and ruthlessly enforced by the bayonet. Was the Government of Nicholls doomed to a similar fate?

The consultation held in the executive office on the night of the 8th of January was the turning-point of its fortunes. Had one suggestion of incautious counsel prevailed, had a single mistake then been made, all would have been lost, and Nicholls the Governor would have been converted into Nicholls the Claimant.

The persons called to this consultation were the civil and military officers of the new Government, and a number of trusted, patriotic citizens.

Some of the results flowing from the action of that council were visible at the earliest dawn of January the 9th. The streets were thronged with armed men hurrying to places of rendezvous, some of them belonging to organized companies, and others not enrolled, but ready to fall into rank at the word of command. By eight o'clock A. M. six thousand State troops were under arms, and two hours later their number was nearly doubled. In command of these was the heroic Ogden, whose matchless valor made the 14th of September memorable, and on whom and his peerless League Louisiana now leaned with all her weight.

At first the impression prevailed that the St. Louis Hotel, which had been recently bought for and was then used as a State House, was to be assaulted. This impression, however, was wholly without foundation, as no such purpose had ever been entertained.

In this hotel, the day before, the farce of inaugurating Packard as Governor had been enacted in the presence of a rabble of negroes, carpet-baggers and scalawags, which he addressed, with heartless irony, as the "General

Assembly of Louisiana." Barricades had been erected around the lower story of the Hotel, which prevented the ingress of any but this motley drove, and the armed police force, known as the Metropolitans.

Nicholls had secured office-rooms for his government officials up-town, above Canal street. The St. Louis Hotel is below Canal street, and about mid-way from Canal, by the way of Royal, or Chartres street, to the Court Buildings. Those buildings front on the old *Place D'Armes*, now called Jackson Square, and occupy sites above and below the *Cathedral*. The building below is assigned to the use of the District Courts, and was in the possession of the Judges holding under the Nicholls Government. The building above contains the Supreme Court-room, and was in the hands of a body of Metropolitans, who had taken possession of it and made prisoner of the Deputy Sheriff in charge. Three persons styling themselves, under color of commissions from Packard, the Supreme Court of the State, had that morning been admitted by the Metropolitans into the Supreme Court building through a rear alley-way. They entered the court-room, and, taking their seats on the Bench, commanded the venerable crier, General John L. Lewis, to open the court. He refused deferentially, but firmly, announcing that he recognized Governor Nicholls as the Executive of Louisiana; that he observed by the morning papers that Governor Nicholls had appointed a Supreme Court, and that he would obey the mandates of that Court, and that Court alone.

General Lewis was instantly removed from office by the *soi-disant* Judges, and a person of their own kidney appointed in his stead.

After a five minutes' session of the mock Court, the three judicial claimants adjourned themselves and were let out of the building through the same sequestered way by which they had entered. They absconded none too soon. The old *Place D'Armes* was agleam with the rifles of the patriot soldiers, who, ever since dawn, had been steadily gathering to Ogden's standard. In their midst sat Ogden him-

self, with one leg thrown carelessly over the pommel of his saddle, looking very calm and polite, but with a mighty ugly fire smouldering in the depths of his gray eyes. Every street leading to the court building was heavily occupied by detachments of State troops, and nearest the building were a body of picked men, Ogden's pets, a thousand strong, armed to the teeth, and sworn in by the Sheriff as special deputies.

Shortly before 11 o'clock A. M. the Sheriff of the Parish, Thomas H. Handy, demanded possession of the Supreme Court room, and was refused. The parley took place at the massive iron gate which closes the main entrance to the building, and which had been locked, bolted and barred by the Metropolitans. The Sheriff reminded them that he was the legal custodian of the building, and that they were there without lawful warrant. Their answer was that Packard had sent them there, with orders to hold the building against all comers.

The Sheriff then announced his determination to take the building at whatever cost. He promised that if the place was peaceably surrendered the occupants should have safe conduct to Packard, but warned them that if an appeal to force became necessary, not a Metropolitan would escape alive. He pointed his argument by a persuasive gesture in the direction of his deputies.

To the Metropolitan mind the argument seemed so conclusive that the discussion ceased, and the door opened.

Posting a guard in the building, the Sheriff immediately proceeded to the Governor's quarters, where had assembled the newly appointed Judges, consisting of Chief Justice Manning and Associate Justices Marr, DeBlanc, Egan and Spencer.

The loiterers on the banquettes then witnessed a strange and not unimposing sight. The new Judges were walking in procession to their court-room. The Sheriff and Clerk of the Court were abreast in front, the Chief Justice at a little distance in their rear, and behind him followed the two Senior, and then the two Junior

Justices. Out of Camp street, over Canal, and down Chartres they walked with slow and stately pace, and as they appeared in sight of Jackson Square, the dense mass of citizen soldiers and citizens ready to become soldiers, waved and heaved with suppressed excitement, until, as the Chief Justice, whose towering form was readily discerned above the crowd, passed through the portal of the court building, restraint was no longer possible, and the shouts of fifteen thousand voices rang out the accomplishment of the first and vital act of Louisiana's deliverance.

The five Judges immediately ascended the Bench, and in obedience to an order of the Chief Justice, General Lewis, who had been verbally decapitated one hour before, opened the Court in due form.

From that day forth the Court held sessions regularly and unintermittingly, and it is now apparent to all, as it was then to the sagacious advisers who counselled it, that the immediate installation of the Supreme Court was an absolute necessity. Had the delay of a single day supervened, the whole fabric of the Nicholls Government would have resolved into helpless fragments. Our McEnery experience of four years before would have been duplicated, and instead of a Government we should have had a Grievance.

The docket was taken up by Chief Justice Manning at once, and causes were argued from day to day just as if the Court had been in session time out of mind. The whole Bar thronged its sessions. The lawyers made a point to attend, in order to do homage, as it were, to the new Court, "our own Court," as they affectionately styled it, and in order also to manifest their confidence in the stability of the new order.

All sorts of rumors were industriously circulated. The Metropolitans were to attack the building in force. A Federal assault was impending. Select assassins were under contract to carve the Chief and Associate Justices, and kegs of gunpowder were to be placed in the lower room, in order to promote the Court to a still more elevated Bench. But Judges and

lawyers went the even tenor of their way, and the only explosions as yet befallen have been the innocuous ones of rhetoric.

Mr. B. F. Butler, the one who courted infamy with such success during the late war, asked a witness before a Congressional Committee on Louisiana affairs if it was not quick work for a Court to be appointed, hear causes, and decide them the same day; implying that the present Supreme Court of Louisiana had so heard and decided. The question was characteristic, and the implication also, being wholly destitute of truth. The fact is, that the first opinions delivered by the Court were on the 29th of January, three weeks after its installation.

When that mystical Commission, evolved from the inner consciousness of President Hayes, composed of McVeigh, Harlan, and others, and despatched to still troubled waters with a thin coating of oil, arrived in New Orleans, they invited the Supreme Court to meet them. It appeared that the three Packard claimants had solicited and obtained an interview, and through their Chief had presented a long argument to show that they were the legal Supreme Court. The Commission considered that fair play required they should give the rival Court a chance to vindicate its claims. Hence the invitation.

The new Judges made the visit, not in a body or officially, as the Packard claimants had done, but individually and informally, as other citizens of the place were doing, in discharge of an act of civility. After an interchange of introductory small talk, Judge Lawrence, of Illinois, Chairman of the Commission, turned to Chief Justice Manning and remarked that the Commission had heard from the Packard Court the grounds on which it claimed to be legally organized, and now that they would listen to any argument in support of the pretensions of the Nicholls Court.

Those who know the Chief Justice can better imagine than the writer can describe the look which fell on the Chairman of the Commission at this announcement.

He informed the Chairman that neither he nor his Associates had come there to argue, or to

defend, or even to discuss their status. They constituted the Supreme Court of Louisiana. They were the arbiters of others' causes. They had none to plead of their own. They daily heard, and for the past three months had been hearing arguments, and deciding causes which involved millions. Their decrees were executed. The whole Bar of the State placed before them their suits for final adjudication, and to that Bar they referred the Commission for any light they might desire on the question propounded. "Let it be known," said the Chief Justice, rising, and putting the question aside with a definitive gesture, "that argument is wanted by the Commission, and from JOHN A. CAMPBELL, to the youngest junior at the Bar, the argument will be presently forthcoming."

The contrast between the conduct and bearing of the real and the simulated Court, at this juncture, must have impressed the members of the Commission; and when the superb manner in which our Court had borne itself before the Commission became generally known, its popularity rose to fever heat.

Thus closed the judicial phase of the drama of Louisiana's redemption.

Judge Manning has presided over the Supreme Court of Louisiana nearly three years, and we are now, therefore, able to make something like a just appraisal of him as a Chief and as a Judge, and also to discern certain personal traits, which tend to illustrate character.

The schooling in active affairs which he received as aide of Governor Moore, and afterwards as Adjutant-General of the State, was not an irrelevant training for the duties which devolved on him as Chief of a new Court. Those duties embraced no small field for organization and the conduct of practical matters, and it is not too much to say that he brought to their performance talents for administration of an uncommon order. A clock-like precision, regularity and method, united with breadth of view and a clear, felicitous adaptation of means to ends, are evinced by the whole body of rules adopted by him for the governance and the practical working of his Court.

The formal mode of opening the Court prescribed at the outset by the Chief Justice, and still adhered to, was a startling innovation, and, in its way, characteristic. The immemorial fashion had been for the Judges to straggle in about the hour for opening Court, each suiting his convenience as to the moment of taking his seat; and after all the Judges were in place, the Crier opened the Court. Meanwhile, the members of the Bar sat in front, with hats on or off, chatting and laughing familiarly. Under the prevailing mode all this is changed. At the appointed hour the Chief Justice forms his Court in the consultation-room, and they proceed in a body to the Bench. Their approach is heralded by the Crier, and as they cross the threshold of the Court-room, the Bar rise, and remain standing until the Judges ascend the Bench and bow to them. The lawyers return the courtesy, and resume their seats, and then the regular business of the day begins.

At first, the sentiment of the Bar on the subject of the innovation was conflicting. Some approved, and others disapproved, and although the matter was a small one, it evoked discussion enough to show that the Bar of New Orleans, like the world at large, is divided as to the propriety of forms and ceremonies. Some men advocate a rejection of all forms, and insist that nothing deserves to stand which is not capable of standing in its naked simplicity. However true this may be in the abstract, as a practical proposition it is unworthy of consideration. Whatever is necessary to the existence or to the well-being of society, deserves to be surrounded by whatever increases respect for it. We know *à priori*, as well as historically, that the emotions are largely controlled by the imagination, and that the imagination, even among the highly cultured, is powerfully affected by symbols and externals. A decorous ceremonial, therefore, like the one in question, which expresses by its formulary a sentiment of deference and respect for the Judiciary of the State, is appropriate and desirable. And this is now, I believe, the general opinion of the Louisiana Bar.

In his appearance and bearing on the Bench,

Judge Manning is the beau ideal of a Chief Justice. Much above the average height, of herculean frame, with just enough flesh to make without marring contours, erect as a statue, and surmounted by a head massive as Webster's, and a face steeped in meditation, he is the incarnation of decorum and dignity.

His deportment towards counsel, who appear in oral argument before him, deserves the highest commendation. Aware that the method of presenting his case, special to each lawyer, however vicious and defective it may be when measured by correct standards, is yet the one best adapted to that lawyer's interpretation of the matter at bar, he abstains from obtruding any suggestion looking to the substitution of another and better method. Bearing habitually in mind also the fact which many Judges ignore or forget, that in the case of many, if not most speakers, to break the continuity of an argument is to emasculate it, he rarely interrupts. It is only for weighty cause that he propounds a question to a lawyer while speaking, and never permits himself to be provoked into a discussion. To the nameless juniors, and to the conceded leaders of the Bar, to the eloquent, and to the stupid, the learned and the ignorant, he accords the same grave, attentive, and patient hearing. The tax which this must assess upon one with his lively sensibilities is difficult to compute. To watch his dumb martyrdom under the unrelenting exposition of a legal truism, by some literal logician who will persist in demonstrating that twice two make four, is an instructive study in the power of human endurance.

In point of rhetorical skill, the subject of this memoir has had no peer among his predecessors on the Bench. His opinions abound with literary gems of a rare order. They may be culled at random from nearly any one of his important decisions. As an instance of his power of dramatic narrative, I quote the following statement of facts introductory to an able interpretation of one of the difficult branches of the succession law of Louisiana. The statement is taken from the case of *Harrington vs. Barfield*, reported in 30 Louisiana Annual, p. 1297.

"Levi and Margaret Barfield—husband and wife—were living, in 1850, in Franklin parish, upon a plantation of their own, surrounded by the appliances of comfort, and even of luxury, that befitted persons who by patient toil and prudent management had obtained the means to procure them. Three children had survived of the larger number that was born to them—Celia, Isabel, and Ira. In that year a young man named Harrington came into the neighborhood, and sought to obtain the patronage of parents in the establishment of a school. He found encouragement, and the unwary father of Celia permitted him to open a school at his house or on his premises. Harrington had a fair exterior, and plausible address, and possessed an accomplishment which, in the rough life of a sparsely settled and imperfectly cleared country such as that locality then was, gave him the entrée to society, made him the visitor more desired than all others, to the country dances and social gatherings of the neighborhood. He was a musician, and his instrument was the violin.

"Celia Barfield was then in the first bloom of mature womanhood. Whether anything had transpired to awaken her father's suspicions, we have now no means of positively knowing, but Harrington left Mr. Barfield's, and went to another place, not far distant, and opened another school. There is little doubt that the father had discovered his mistake in permitting this attractive adventurer to live under his roof, and sought to repair the probable injury by sending him away. Not many months elapsed before he had to bemoan the effects of his fatal error.

"In April, 1851, there was a festive gathering in the neighborhood. Celia Barfield left the house of her parents, bedecked for the evening's sport. They never saw her again. Harrington met her at the dance, and the two thence rode away, and were married by a Justice of the Peace. They were attended by those to whom their secret intentions had been made known, and among them was an uncle by marriage of the infatuated girl, who has lived to tell on this trial the story of his niece's dishonor, and his own shame.



"About two months after the marriage, Harrington was charged with shooting at a man for some cause, and was arrested and examined before a magistrate, and discharged. This circumstance occasioned the usual flood of eager small-talk in a country neighborhood, and among it was the whisper, appalling to the Barfields and their daughter, that Harrington had a living wife in Mississippi then. This was spoken of as a rumor, but there was no one then who undertook to assert it. Harrington determined to move away. He left in July, giving as a reason his fear that the man who had him arrested for the alleged shooting would have him indicted. Celia had worn the name of wife two and a half months, and was already sufficiently advanced in pregnancy to attract notice. This rumor of Harrington's previous marriage, and of his living wife, reached her ears. She asked him about its truth. He denied that his first wife was living. He had represented himself as a widower on his first appearance there. He asseverated that his first wife was dead, and she believed him. It is strange, she said, that every one knew that Mr. Harrington had another living wife, now that she was married to him, and had not found it out before. She declared her disbelief in the story, and went with him to his new home. That was Magnolia, in Arkansas.

"In 1875 another stranger appeared in this same locality, bearing the same family name, with the baptismal prefixes of that uncle's name, who had assisted in the elopement of twenty-four years before. He said he was the eldest and only surviving child of the school-teacher and Celia Barfield—the same that she bore in her womb when she left the place to which he had now come for the first time. Many changes had taken place. Levi Barfield had been dead many years. Margaret, his widow, had husbanded the property with unusual success—had increased it, so that the plantation of twelve hundred acres, and the movable property and slaves, had become valuable. She survived the war, and though the estate of course suffered great deterioration, when she died on the last

day of 1870, there was enough to satisfy moderate wants.

"Ira Barfield, her only son, and Isabel, her daughter, now the wife of John M. Gwinn, took possession of the property, formally accepted the succession unconditionally in January, 1871, and in the following December partitioned it between themselves. Each was in the enjoyment of the one-half of the property of their father and mother when this stranger, claiming to be the son of their sister, appeared on the scene. He had been in this State two or three years, but did not know in what particular part of it his mother's family lived. His father had found a third wife in Arkansas after Celia Barfield's death, and this last wife was a widow with a daughter by a previous marriage, who had grown up, married, and come down to the neighborhood, and it was from her that he had found out where the Barfields lived. His mother's death had occurred a few years after the removal to Arkansas. His father had told him his mother's name, and that he would be entitled to some property in Louisiana at some future day, but he knew nothing more. He was very young, hardly old enough to be told or to remember anything but such salient facts as his mother's name and birthplace. The father himself had died before he imparted his singular story to the son. The war had broken out, and William Harrington in some measure atoned for his violation of the laws of his country by flying to her defence. He perished, a victim to the fevers of the camp at Corinth.

"Young Harrington told his story to Ira Barfield, who listened with half-yielding credulity, but warned him that better proof was needed than his narrative, however probable, before he could be recognized as Celia's son, or, as such, be entitled to Celia's inheritance. Isabel scouted his whole story. He was an impostor, not the son of her sister—but, even if he were, he was conceived in shame, born in disgrace, and was now flouting the pretensions of an adulterous bastard to share the Barfield property in the faces of those whom his mother had dishonored. The reception which this brother and

sister gave to the son of the dead woman is characteristic."

The foundation of his mind is robust common sense, and overlying this are a vigorous but not dominant imagination, a lively fancy, and a subtle vein of ironical humor which ramifies the whole body of his thought. These faculties, in possession of a rich and copious vocabulary, and disciplined by long literary culture, have resulted in a style singularly manly, picturesque, and incisive.

It may be doubted, however, whether it is politic in one who courts a reputation for solidity and depth, to admit grace of expression, aptness of image, and perspicuity of thought as elements of his style. In the popular estimation depth is indissolubly associated with obscurity, solidity and strength with dulness and labor. When people therefore encounter a writer, or speaker, who clarifies instead of muddies, who entertains instead of bores, who makes the profound and the intricate pleasurable of comprehension, who sheds such a flood of light on the matter in hand as to make its depths clear, and its crookedness straight, they infer absence of depth in him who does it. They ascribe their ability to see to the bottom of his thought to its shallowness, rather than to the transparent medium through which he enables them to look.

And so, also, in popular estimation, what is easily done requires but little strength to do, when in point of fact strength, and only strength, works with ease. It is weakness that strains, and labors, and masters its task in obvious pain. And thus it happens that to some minds, the power of Judge Manning may be discredited by the very qualities which illustrate and embellish it.

Among his personal characteristics are some which serve to give him a marked identity. Conservatism deeply imbues his whole nature. It declares itself in the loyal tenacity with which he clings to English modes of thought, criteria of conduct, and prejudices, inherited by him through a long line of English ancestors. It is conspicuously displayed by the heroic obstinacy

with which he resists the innovations in orthography, instigated by Webster. He upholds with unfaltering zeal the standards of Johnson and Walker, and woe to the compositor who lays vandal fingers on his copy, and converts his "shew" into *show*, or his "favour" into *favor*.

His love of the exact, the orderly, and the systematic, essential as it is to the administrator, and the worker, has acquired such dominion, that it threatens, later in life, to transport him into an implacable formalism. Ragged discipline, or disorder in any form, are offences to him, which ought to be condignly dealt with. A mislaid book, a smeared manuscript, or an ill-hung picture, give him a sense of positive discomfort. A misplaced comma jars on him like a discord in music, a misspelled word gives him an indigestion, and the substitution by the printer of a wrong word for the right one used by himself, afflicts him with insomnia. A breach of morals he might, under certain circumstances, be brought to excuse, but it is quite impossible he could ever be persuaded to condone a solecism in breeding.

At its collegiate commencement in the year 1878, the University of North Carolina conferred on Chief Justice Manning the honorary degree of *LL.D.* Only those admitted to his confidence know, what deep and abiding gratification that testimonial gave him. Not because of the titular distinction it brought, but because it was a recognition of desert by that venerable Institution, toward which his affections still turn with the ardor of early love. I believe it is hardly too much to say, that the suffrage of that old Collegiate Senate gave him more true joy, than the vote of the Legislative Senate that confirmed him as Chief Justice of Louisiana.

For purposes of love, or hate, idiosyncrasy in character is not undesirable. It individualizes the object of sentiment, and thus renders it susceptible of being more definitely grasped. And therefore it is that the very peculiarities of Judge Manning, which afford congenial texts for hostile tongues, tend to root him all the more firmly in the hearts of those who love him.

I have reserved for a final consideration those characteristics most important to a rightful estimate of him in his present position, his characteristics as a Judge.

One of the first things to arrest the attention when scrutinizing him as a Judge, is his immense capacity for work. He does, not only with apparent but real ease, an amount of labor that would fatally overtax one who lacks his remarkable facility. Judah P. Benjamin is probably the only man known to the Louisiana Bar, capable of doing the same amount of work with a similar absence of struggle, and a similar freedom from retributive consequences. In Judge Manning's case this exceptional capacity arises partly from a tireless and systematic industry, partly from a talent for mastering details, and partly from an agility of mind, and a quickness of apprehension, which enable him to separate the important from the unimportant, and thus seize promptly on the salient and determinative.

His Common Law training was of seasonable service when called on to interpret the composite system of civil and common law which obtains in Louisiana, and many passages might be cited from his opinions, showing that his early acquisitions still constitute a part of his legal possessions.

His expositions of law are noted for force, clearness, and elevation, and they carry with them an impression of colorless impartiality. His mind is too healthy, and full of virile strength, to be dwarfed by the long, technical curriculum of his profession. While his decisions therefore are marked by an intelligent, they do not evince a slavish, or irrational adherence to the letter of the law. Whenever a literal construction blasphemes the spirit of a law, he rejects and condemns it with the emphasis a Puritan father would have condemned a violation of the Sabbath. If the circumstances of a particular case are so exceptional that none of the adjudged cases cited by counsel furnish an appropriate precedent, he creates a precedent, and with the same confident alacrity with which he would conform to an immemorial one.

Next in importance to adjudicating legal

questions according to law, is to rest the adjudications, as far as may be, on high and equitable principles. The functions of a Judge are not merely judicial, but in large measure ethical also, and his decisions only rise to their possible heights, when supported by moral, as well as legal sanctions. A Supreme Court therefore is, *par excellence*, not merely the Arbiter of disputes, but likewise the Conservator of public and private morals. No chief, I believe, ever had a clearer apprehension of the offices of his Court, than the subject of this memoir, and no other Judge has ever more diligently inculcated in his official utterances a higher and healthier code of conduct. Never forcing the occasion, merely to air his sentiments in a moral dress parade, yet no case has ever come up for his determination, involving a breach of honesty, or a flaw in honor, which has not evoked his hearty and damnatory animadversions.

From among many illustrations of the foregoing with which his opinions abound, I quote the following typical extract from the decision in the case of *Gaidry vs. Lyons*, 29 Annual Reports, p. 8.

'The record reeks with fraud and perjury. Two brothers combine to evade the payment of a debt acknowledged or proved to be justly due. If the testimony of the one be true, that of the other is necessarily false. The forms of law are carefully observed, behind which they attempt to hide their guilty purpose. Solemn declarations in authentic acts, and judicial admissions upon the records of courts throw a veil over the secret intention imbedded beneath this crust of formularies. The law rends this veil asunder with its rude and unsparing hand, and beneficently throws over society its protecting shield. Simulation is difficult to be proved. They who practise it conceal their devices under the guise of acts which bear the stamp of authenticity, and have the outward appearance of fair dealing. The sinuous paths they tread require to be illumined by the light of truth, poured upon them with merciless brilliancy. The law wisely permits great latitude in the application of the

process by which this truth is to be eliminated. Conscience can be probed. The worst deformity thus exposed will revolt an individual observer, but society reaps the benefit of the detection in wrong-doing, and the law vindicates its mission."

Read also in the case of *Hawkins vs.* "The New Orleans Picayune," 29 Annual, p. 140, the following commentary on the District Judge, who declined to disturb a verdict founded on the bribery of a juror.

"The refusal of the Judge to grant a new trial under these circumstances is not merely error in law. It is official misconduct, and reprehensible in all its phases. It was his duty to have ordered a new trial *ex mero motu*. A judge is the conservator of his court. The conservation of its purity is his first and highest function. It should not require the interposition of counsel or of any subordinate officer of court to move the judge promptly to repair an injury to his own administration of justice, effected by such foul means. The knowledge of the stain, on that day and by that act stamped upon his court, was brought home to him by protracted and repeated appeals for its removal. His own knowledge of the facts was attempted to be elicited, and instead of making that knowledge the basis of an instant and voluntary order which should wrest from the briber the fruits of his wrongful act, he permitted the verdict, which he knew to have been bought, to tarnish the records of his court until the appeal to a higher tribunal now removes the opprobrium thus cast upon the law, and upon those who administer it."

Recognizing the fact that a compliance in good faith with all personal obligations is essential, not only to justice, but also to the maintenance of a wholesome public opinion, he has never failed, when opportunity permitted, to enforce the conventions of parties in all of their reasonably implied as well as their expressed stipulations.

Thus in the case of *Hardin vs. Wolf*, 29 Annual, p. 344, where a debtor invoked the protection of exemption laws, he said:

"There is much to be said also in favor of that public policy which is a conspicuous feature

of the laws of all countries, and which is the basis of public morals, viz.: that compulsory fidelity in the discharge of money obligations elevates the character of the citizen, and by consequence promotes public virtue. The State that visits by the penalty of its laws, the violation or disregard of pecuniary engagements with the greatest rigor, is the State that has the highest standard of public honor. Wherever the law offers a premium to dishonesty by providing means of escape to the citizen from the payment of his debts—whether the mode be by exemption of property from seizure, or by the equally convenient one of hiding it under cover of another's claim—there will be found the greatest laxity of the public conscience, and the most shameless disregard of public and private obligations.

"When, therefore, there is not an express statute, conferring upon the party seeking to evade an obligation, the unquestioned legal right to escape the consequences of that obligation, and he seeks to justify it upon the ground of public policy as the *motif* of the construction he invokes, it may not be inaptly answered that the same considerations forbid the multiplication of those devices by which he who promises is excused from performing, and he who renounces a benefit is permitted to enjoy it in spite of his renunciation."

And again in the case of *White vs. Barrett*, 30 Annual, p. 1282.

"We are warmly urged to carry out in a liberal spirit the 'enlightened policy' of modern legislation, which seeks to protect the citizen from pauperism. An enlightened policy, which teaches the citizen the weight of an obligation by enforcing its performance, cannot look without dismay at the spectacle of any debtor keeping secure in his grasp property, not legitimately or necessarily included within the terms of the law which accords it to him. The abrasion of the moral sense of the general public, occasioned by frequently witnessing this successful defiance of just creditors, is a greater harm than the private suffering of an isolated individual here and there, and enlightened statesmanship looks only to the general good."

In the case entitled the Succession of Womack, 29 Annual, p. 580, the creditors of the succession sought to have a payment in Confederate money, which the executor had accepted in good faith, declared null, and the executor held liable in greenbacks. In deciding that case, the Chief Justice, as the organ of the Court, said:

"The bill of exceptions states the ground of objection to be that the executor cannot be permitted to prove the existence or use of any money in discharge of debts at that time, except United States currency, nor that Confederate States currency was the currency of the country at that time, as it was issued in violation of the laws of the United States.

"These and similar objections are based upon the idea that courts must shut their eyes to and ignore events that have stirred the world to its remotest recesses—that while all humanity has attested its interest in the historical occurrences that were then transpiring, judicial blindness must be affected or assumed, as to those occurrences, by those who are called on to determine the legal consequences of the acts of individuals in the midst of those events.

"It was properly proved in this case, and was admitted by both counsel, that Confederate money was the sole currency of that part of the country when these proceedings were had at that time, and that this currency was then worth one-third its face in gold.

"The highest judicial tribunal has sanctioned the doctrine of common sense and common honesty, which requires that obligations made under the exceptional régime of the Confederate States, should be enforced with due regard to the surroundings of the contracting parties, and in accordance with their manifest intent; and in assessing their moneyed value, that the value of Confederate currency at the time of the transaction should be the standard that regulates the judgment of the court. *Thorington vs. Smith*, 8 Wall. 1; *Delmas vs. Merch. Ins. Co.*,—Wall."

Again, in the case of *Lay vs. Suc. O'Neill*, 29 Annual, 726. "Great reliance is placed by the counsel for the tutor's succession on the effect of

Article 149, of the Constitution of 1868. They contend that under it, the judgments of homologation rendered between January, 1861, and 1868, are valid and final, and they argue on the basis, or theory, that judgments rendered during the late war between the States, in a locality that was under the sway, and subject to the jurisdiction of the Confederate States, would not have been valid without an act of grace; such as that Article of the present Constitution.

"This is not the theory that pervades the judicial history of the world. Every country that has suffered the calamity of intestine strife, and that has witnessed one portion of its subjects or citizens armed in hostile array to another, has acted upon the theory, that a government was entitled to obedience if it had the power to enforce it, and judicial tribunals have uniformly acted upon and applied this principle. As merely an abstract proposition, it is so wise, and its application practically to human affairs has been found so salutary, that it is not to be supposed the framers of the Constitution of 1868 were unmindful of its existence, or that they intended Article 149 to be more than a recognition of a rule that the experience of mankind, illumined by the gleam of centuries, has found necessary for its peace.

"In the fifteenth century, and within so small a territorial area as England, two hostile governments disputed with varying success for supremacy, and acquired, or lost, the possession of tracts of country with frequent alternations. During these wars of the Roses, each government enforced the obedience of the inhabitants under its territorial sway, and they who rendered such obedience, whether it was enforced or voluntary, were not held to suffer for it. Blackstone thus exhibits the practical necessity for this doctrine and its early recognition: 'When, therefore, an usurper is in possession, the subject is excused and justified in obeying and giving him assistance; otherwise, under an usurpation, no man could be safe: if the lawful prince had a right to hang him for obedience to the powers in being, as the usurper would certainly do for disobedience. Comm. Book 4, Marg. 78.'"

The crowning act in his judicial career is the opinion prepared and read by him as the organ of the court, in the celebrated case of the State *vs.* Thomas C. Anderson et al., reported in the 29th Annual.

The opinion deserves to be considered, not merely because it embraces a deep and masterly interpretation of great questions of law, which concern liberty and life, but also because its enunciation, at the time, and under the circumstances of its delivery, required a moral heroism which a court has rarely been called on to display.

For years Louisiana had been the victim of a brutal, remorseless, and rapacious despotism. By the Federal enactments, known as the Reconstruction Laws, her autonomy, while theoretically preserved, was practically destroyed. Under the operation of those laws the intelligence and moral worth of the State were deposed, and in their stead its ignorance and depravity installed. The outgrowth of this was a unique crop of political knaves, compounded of the vampire and the cut-throat, who plundered, and sucked, and eviscerated, until the substance of the State was so wasted that her very identity was disguised. More than once the people, by a fair ballot, had overthrown this despotism, and each time, either by force or fraud, it had been reimposed. Fraudulent forms of law had been devised to assure its perpetuity, and when these became insufficient, the Federal bayonet was employed with insolent frankness. At last the people, disciplined, and compactly consolidated by long suffering, put forth a supreme effort, and in 1876, spoke with the tongue of so large a majority, that pious souls believed that even our cut-throats would heed its utterance. This injustice to our cut-throats they promptly rebuked. In the Act creating the "Returning Board," they had contrived a political machinery capable of paralyzing the tongue of any majority. But at this particular juncture the common-place mechanics formerly employed to work the machinery were wholly incompetent. For, observe, that at this time a national election coincided with the State election, and

the choice of a President turned on the vote of Louisiana. This concentrated the gaze of eighty millions of eyes on the Returning Board of that State. Whoever handled the machine of fraud then, must perform his functions in full view of the civilized world, and under the glare of an electrical illumination. The necessary work, done under such conditions, brooked no pretence hands. It required agents gifted with no ordinary gifts, and deficient in no ordinary deficiencies. They must be men impervious to reproach, deaf to the cries of outraged public opinion, superior to reason, and not afraid of unharnessed hell. Our cut-throats found the men in Thomas C. Anderson, and J. Madison Wells. Compared with these men, their predecessors in political burglary, were bucolic sucklings, fit only for a pastoral poem. *They* had contented themselves, with a modest and child-like villany, with suppressing a single State, but the genius of Anderson and Wells bore them to a level with their great occasion, and they not only smothered the voice of Louisiana, but throttled the verdict of the Nation. The country was stirred from centre to circumference with a thrill of indignant horror. In Louisiana the feeling against the wrongdoers was bitter and dangerous. It smouldered while the political affairs of the State remained confused, but as soon as they were composed, it broke out into a fierce and unremitting demand for their punishment. At last an indictment against them was found, under the laws of the State, and they were brought to the bar of criminal justice. At the head of the prosecution was *Horatio N. Ogden*, Attorney-General of the State, a first cousin of *General Fred. N. Ogden*, and one of the most brilliant members of that gifted and historic family. The Attorney-General pressed the case with a fervid zeal, energy, and eloquence, that overcame all obstacles. The people of Louisiana watched the progress of the trial with intense interest, and when it resulted in a verdict of condemnation, a deep and general acclaim bore witness to the satisfaction it gave.

Anderson claimed that the verdict was illegal,

and upon pure questions of law, appealed to the Supreme Court.

The ordeal through which that Court then passed, tested to the last degree the stuff of which it was composed. All the emotional influences which sway the judgments, and control the actions of men, the influences which stimulate, and the influences which deter, were brought to bear on it. The righteous vengeance of a people, long delayed, and instigated until its measure overflowed, thundered for gratification. The object of its wrath was already in its grasp, under the sanction of an impartial verdict, and it demanded that the Supreme Court should not avert the just consequences of that verdict. This demand pressed for recognition from many sources, and in all forms. It employed, by turns, the arguments of persuasion, and the arguments of intimidation. It dealt largely in rewards and punishments, and held up, in shadowy background, the possible forfeiture of social state.

On the other hand, came oracular utterances from Federal officials at Washington, denouncing the prosecution as a legal outrage.

Supplementing all this was a profound sympathy with the popular sentiment, on the part of every member of the court. Each of them knew that a great crime had been perpetrated, and each was morally certain that the perpetrator was before them. They had but to affirm what had already been solemnly found by a jury of the defendant's peers, and they would have reaped a deep, personal gratification, and made themselves the idols of the popular heart. How they bore themselves in this crucial emergency, is best shown by the opinion of the court, which was pronounced by Chief Justice Manning, and from which I take the following extracts:

"It is not needful to say more for the decision of this cause, nor were we inclined to advert to any of its features, other than those directly presented by the record, but we are driven from this reticent attitude by having spread before us in the printed argument of some of the defendant's counsel an open letter, dated 'Washington; February 4, 1878,' addressed to the prisoner,

and signed by John Sherman, Stanley Matthews and others, in which the public, and the people, from which the jurors are to be drawn for his trial, is informed that he is falsely accused and maliciously persecuted.

"A few years ago—it was within the present decade—a member of the British Parliament undertook to influence the course of a public prosecution, then pending in an English court, against a fraudulent claimant of the honors and estates of an ancient house. The criminal trial there, as here, had been preceded by a civil proceeding, and both were of unexampled duration, so that the question, who was the rightful heir of the Tichborne family, had extended beyond the legal circle, and had invaded social and political life.

"When the unwarrantable publication had been made by the member of Parliament under his own signature, in which he had endeavored to bring opprobrium upon the court and its officers by charging that the claimant was falsely accused and maliciously prosecuted, the Lord Chief Justice Cockburn promptly repressed his impertinent, though not interested, zeal by inflicting upon him a fine of £250, and sentenced him, in default of payment, to imprisonment in the county jail.

"He went to jail, and there remained until a relative released him by paying his fine. On the reassembling of Parliament at its next session, the Judge formally communicated his action to the House of Commons, that it might be officially known he had not wantonly invaded its privileges, and that body, ever watchful over the inviolability of those privileges, silently approved the Judge's vindication of the sanctity of his court.

"Public opinion, in this instance and in this country, can alone exercise that punitive power, the employment of which is equally well merited on both occasions."

"We have been thus careful to rest our decision upon only those principles of law, of the soundness of which there can be no serious question by candid, disinterested and enlight-

ened jurists everywhere. There remain now for notice the concluding sentences of the Attorney-General's appeal to us to reverse our ruling.

"Like him, we are conscious of having been just to the accused, and just to the State. With him, we feel the necessity that our decision shall contain no assertion of principle which cannot be successfully defended, and we believe we have now placed that decision upon a basis so unassailable that the rightfulness of our judgment shall commend it to the candid jurist in every land. If this court had yielded to the impassioned and justifiable zeal of the prosecuting officer, or had been swayed by the feeling, natural and spontaneous among all good men, of detestation of a great crime against free government and the rights of the people, and by reason thereof, had permitted its judgment to be clouded by passion, or warped by love of applause, or to be influenced by any consideration, other than its duty with sedulous care to ascertain the law, and with firm purpose to apply it, it would be unworthy of the high place it holds in the government of the State. It would argue a deplorable state of public morals, if it could be confidently assumed beforehand in a case such as this, what the decision of a court would be from the known political affiliations or antipathies of its members. It would be a public calamity, the extent of which could not be measured, if a court should prevent the escape of an accused person by torturing the well-settled principles of law, applied through long years to criminal prosecutions with unvarying uniformity, and bend them to the accomplishment of partisan desires.

"Rather let it be known of all men that a court can consider neither expediency nor policy—that it cannot shape its judgment either to realize the hopes of friends or to quiet the fears of foes—and that Judges may abhor a malefactor, and yet refuse to condemn him contrary to the law."

I had intended to make some comments on the opinion, but it has been done by one so much wiser and abler, that I forego the intention.

A few weeks ago I paid a short visit to some friends who reside at the University of Virginia. During the visit I had the honor of forming the acquaintance of Professor Minor, who for thirty years has occupied the chair of Statute and Common Law, in the Law Department of the University. In addition to being a law author of standard authority, and among the most distinguished of our living jurists, which I already knew, I found him to be one of the weightiest and most charming talkers I have encountered.

In course of conversation, one evening, he expressed a wish to read the opinion in the Anderson case. I gave him a copy of the opinion which he returned to me the following day with this eloquent and appreciative letter:

DEAR SIR:—Pray accept my thanks for having afforded me the satisfaction of reading C. J. Manning's vigorous opinion in Anderson's case, an opinion which reflects no less credit on his judicial acumen, than the circumstances under which it was delivered do upon the stubborn honor, which can no more be tamed by the fierce cry of the multitude, than by the tyrant's threat. The judge who shows himself thus worthy of Horace's lofty ascription to the *Justum ac tenacem propositi virum*, ought to be highly appreciated by his countrymen, especially at a time when modest and courageous virtue is so little the characteristic of public functionaries.

The situation reminds one strongly of the occasion of Lord Mansfield's judgment reversing Wilkes' outlawry.

And how grateful to us is the contrast between the great jurist of England, mouthing in fine rhetoric about his superiority to popular clamor, and then proceeding to pronounce a sentence in direct accord with it (albeit a righteous sentence), and our unpretentious American judge, breasting, with his fellows, the passionate, imperious, and not unjust demands of the whole country, and calmly giving utterance to the voice of law, "The State's collected will," without a word vaunting the courage it required, or a syllable to show to the ages to come how truly heroic was the sense of right which, whilst it discharged from punishment a notorious and odious criminal, gave a noble and enduring triumph to legal justice!

I am, with much respect,

Your friend and servant,

JOHN B. MINOR.



If ever a commemorative marble shall lift its shaft above the remains of Thomas Courtland Manning, no more fit and noble words could be inscribed on it than these: "Rather let it be known of all men, that a court can consider neither expediency nor policy; that it cannot shape its judgment, either to realize the hopes of friends, or to quiet the fears of foes; and that judges may abhor a malefactor, and yet refuse to condemn him contrary to the law."

[Percy Roberts.]

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### JUDGE OULD.

VIRGINIA.

**R**OBERT OULD was born January 31st, 1820, in Georgetown, D. C. His academical studies he pursued at Jefferson College, Pennsylvania, and the Columbian College, Washington, D. C., graduating from the latter in the fall of 1837. He began the study of law with Joseph H. Bradley, of Washington, and continued it under Judge Beverly Tucker, at William and Mary College, from the Law Department of which he graduated in 1842. Early in the following year he was admitted to the bar of the District of Columbia, at which he practised uninterruptedly until the outbreak of the civil war. He was appointed by President Pierce one of two members of the bar of the District of Columbia, to codify the laws of the District. Subsequently, on the death of Philip Barton Key, he was appointed United States District Attorney of the District of Columbia, in which office one of his first duties was to prosecute Daniel E. Sickles, for the killing of his predecessor, Mr. Key. The manner in which he discharged that duty is still remembered by the public. He encountered in the trial, among other counsel, Messrs. Brady and Graham, of New York, two of the most eloquent and effective criminal lawyers of their day, and Edwin M. Stanton, afterwards Secretary of War, and a man of prodigious ability in his profession, as well as of blustering rudeness both in and out of it; yet, in the face of this

array of forensic talent, he sustained himself and his case, by common consent, with a learning, skill, and power worthy of the exciting occasion. He held the office of District Attorney until after the inauguration of Mr. Lincoln. In the ensuing spring he went with his family to Virginia, of which his wife was a native, and where, in the course of the year, he was appointed Assistant Secretary of War to Secretary Benjamin, holding the appointment until Mr. Benjamin was transferred to the State Department. Under the Cartel of Exchange, drawn up and signed by General John A. Dix and General D. H. Hill, on behalf of the respective belligerents, July 22d, 1862, he was appointed Confederate Agent of Exchange, and held that position thenceforward until the close of the war. At the surrender of the Confederate forces on the occupation of Richmond, he offered his parole to General Grant, who generously declined to take it, saying he did not consider an officer of the Exchange Bureau subject to capture, and, accordingly, instead of treating him as a prisoner, gave him a passport, and an escort to Richmond, where, however, at the expiration of about ten days, he was arrested by order of Secretary Stanton, and thrown into prison, from which he was not released until the lapse of two months, having been meanwhile indicted for treason, deprived of his official papers, and tried by a military commission, which, though "organized to convict," triumphantly acquitted him. This closing passage in his military experiences he imputes to the vindictiveness of Mr. Stanton, with whom, as the public will recall, he had a very sharp and bitter personal encounter in the trial of Sickles, already mentioned.

After the war he entered upon the practice of the law at Richmond, Va., where he now resides. He has addressed to the public several communications vindicating the action of the Confederate States, in respect to the exchange of prisoners, of which the latest appeared in the *Philadelphia Weekly Times*, of May 5th, 1877, as one of the contributions to the "Unwritten History of the War," now in course of publication in that journal. This paper is very full and

able, exhausting the subject from the Confederate point of view, and presenting matter which the historian of the civil war, when he sits down to his task, will be certain not to overlook. As to where rests the responsibility for the cessation of general exchanges, into which the operation of the Cartel speedily ran, the statements of the paper challenge the gravest attention, and, since he has been saddled with a share of this responsibility, it may not be unfitting to give here a short summary of his own account of the matter: The Cartel stipulated that all prisoners of war, in ten days after their capture, should be released at points agreed upon, those prisoners not exchanged, for lack of equivalents in the hands of the other party, to be released on parole, until equivalents should be furnished, each party having the right, on discharging from parole prisoners of the other party, to discharge likewise an equal number of its own, furnishing at the same time, to the other party, a list of both groups; so that under the Cartel no prisoner could be held in captivity longer than ten days, after which every prisoner was entitled to be released, with or without the liberty of returning to military duty, according as he should be exchanged or simply paroled. This humane arrangement was carried out, measurably, to the satisfaction of the two belligerents, until the summer of 1863, when the first serious difficulty, and indeed, the chief of all the difficulties, arose in the form of a dispute about paroles taken on the battle-field, unaccompanied by continuous possession and actual delivery at the stipulated points, which paroles had previously been recognized by the Agents of Exchange, but which the Federal authorities, through general orders issued successively in February, April, and July, of that year, refused to recognize further, declaring, however, in the first two of these orders, that a prisoner so paroled must return into captivity, adding as the reason of the declaration, "His own government cannot at the same time disown his own engagement, and refuse his return as a prisoner." This fair and important declaration was omitted from the last of the three orders, which disowned at once such paroles,

and the obligation of those giving them to return as prisoners, and which, furthermore, the Federal Agent of Exchange construed as retroactive in effect, so as to control paroles given not only before it was in existence, but during the existence of orders inconsistent with it. The Confederate Agent, unwilling to risk the continuance of the Cartel by insisting on the previous practice of both sides, consented to accept these general orders, all three of them, as governing the question, provided they should be applied according to their respective dates, to the end that the whole matter of paroles might be determined by the United States general order in force when the parole was given; but this proposal was rejected, and he had no alternative but to decline exchanges under the new rule, or stultify himself and humiliate his government by conceding that a general order of the Federal War Department, detrimental and intended to be detrimental to his side, was in force before it was issued. Here, consequently, the Cartel went to pieces. It is true there were breakers besides,—such as the Confederate legislation (never enforced) respecting negro soldiers and officers commanding them, the charge (circumstantially refuted in the paper under notice) of improper declarations of exchange by the Confederate Agent, the arrest and detention of non-combatants, and so forth—but the rock that wrought the mischief was this question of paroles. It remains to be said that the Confederate Agent, from the suspension of the Cartel onward, spared no effort to revive it, even with modifications, if necessary, and, failing in that, to effect exchanges, so far as possible, without it, negotiating with General Butler a new Cartel, and, when that was rejected by General Grant, for the reason, as General Butler frankly reported, that exchange would then be disadvantageous in a military sense to the Federal side, waiving his previous demands, and consenting to accept the offer, repeatedly made by the Federal Agent, to exchange officer for officer, and man for man, and, on the failure of the Federal authorities to abide by their own offer, proposing finally to surrender to them





*Wm. Kemmings.*

their sick and wounded without requiring any equivalents, and, if the number for which transportation should be sent could not be made up from the sick and wounded, to supply the deficiency with well men, delivering, in fact, when transportation in response to this offer came tardily some three months afterwards, upwards of five thousand well men, without receiving or demanding one in return. These facts, and others, set forth at length in the paper above mentioned, and supported by the testimony of Federal officers, are certainly irreconcilable with the assumption that the Confederate government, or Mr. Ould, as its agent, was in any measure hostile to a full and fair exchange of prisoners as provided for in the original Cartel. On the contrary, they would seem to place him and his official superiors in an attitude in which they can well afford to wait for the coming historian, and from which, when he comes, he will not be likely to displace them.

HON. C. G. MEMMINGER.

SOUTH CAROLINA.

**C**HRISTOPHER GUSTAVUS MEMMINGER was born in Wurtemberg, Germany, January 7th, 1803, and is the son of Christopher Godfrey Memminger, a Captain in the army of the Elector of Suabia, which was afterwards erected by Napoleon into the kingdom of Wurtemberg. He died in 1803. His grandfather was an officer in the University of Babenhausen, and a cousin was a Professor in one of the German Universities. August Goebert, the present manager of the railroad system of Belgium, married the daughter of one of his uncles. His mother emigrated to Charleston, S. C., when he was quite an infant, and soon died, leaving Christopher an orphan at the age of four years. He was placed in the Orphan Asylum at Charleston, and at the age of nine years adopted by Mr. Thomas Bennett, afterwards Governor of South Carolina, introduced into his family, and edu-

cated with the same care as his own children. He entered the South Carolina College at the early age of fourteen, and graduated thence with high honors in 1819, being then but sixteen years old. After graduation he continued to form one of the Bennett family circle, and studied law under Mr. Joseph Bennett, who was then in partnership with Mr. Hunt, a gentleman of great reputation in Charleston. His mother not having realized the advantage of having him naturalized before her death, it was impossible for him to be admitted to the Bar until that step had been taken, but under the auspices of Mr. Van Buren, an Act providing for such cases was passed, and after its passage he became an American citizen and was admitted to the Bar of South Carolina in 1825. He at once commenced the practice of his profession, and soon entered upon a successful career. In 1832 the question of nullification was exciting men's minds, and he became a member of the Union party in the State, and published the "Book of Nullification," a satire written in biblical style, which from its caustic wit contributed largely to the overthrow of that doctrine. He entered the House of Representatives as member for Charleston in 1836, and continued to represent his adopted city until 1860.

Soon after his election he was appointed Chairman of the Committee on Ways and Means, and was instrumental in shaping the financial policy of the State until the outbreak of the war in 1861. In 1839 a great panic occurred, during which all the public Banks of South Carolina suspended specie payments, upon which he initiated legislation, and assisted the Attorney-General in court in compelling the forfeiture of the charters of the suspending Banks. South Carolina was the only State that took this position and insisted on the Banks acting in good faith, and after the forfeiture terms were made with the Banks upon conditions which secured the State against a repetition of such a catastrophe. The State itself had a Bank in which a large amount of capital was invested, and Mr. Memminger advised the

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closing of this Institution as hostile to the interests of the other institutions of the country. At that time the State Bank had assets sufficient to pay off the entire debt of the State, and still leave a surplus of \$500,000; the government however refused to take this course, and as a result the present great losses of the State on that account have accrued. In 1854, in co-operation with Mr. W. J. Bennett, the son of his benefactor, he undertook the reformation of the Public School system of the State: previous to that time there were many charity schools, which were availed of only by the poorest section of the community. Mr. Bennett and himself travelled over the whole of the Northern States, making themselves masters of the Public School system in operation there, and ascertaining what assistants they could get from thence to carry out the system in its integrity. Mr. Memminger then took up the subject in the Legislature, and in spite of great opposition succeeded in passing an act giving authority to levy an education tax, to build school-houses and organize public schools. Upon the passage of this bill competent teachers were engaged from the North, and the new system was successfully inaugurated: at first there was great prejudice against these schools, the people regarding them as common charity schools, and refusing to send their children; but when Mr. Memminger, among others, sent his own children to be educated there, all opposition was gradually overcome, and as one school after another was established they became at length quite popular. During this time Mr. Memminger was also a Trustee of the South Carolina College, and perhaps the most active member of that body in everything that tended to the advancement of that excellent institution. In 1850 the agitation with the Federal Government was renewed, and the State once more divided, and secession openly advocated, Mr. Memminger affiliating himself with the Co-operation party, who advocated co-operation with other States, before any action should be taken. A convention was called and the movement was stopped on the ground of want of

co-operation. The agitation continued, however, for a long time, and, finally, in 1859, he was sent as a Commissioner to Virginia, to urge the co-operation of that State; but after addressing the Virginia Legislature and using every means for the success of his mission, they decided that each State must act for itself, and in default of the support desired from Virginia, South Carolina determined on withdrawing from the Union. Had the co-operation scheme succeeded with Virginia, there is little question that, strong as the sympathies of that State were for the Union, secession would never have taken place. A convention was now summoned and met, in the first instance, in Columbia, but in consequence of some alarm of small-pox, it adjourned to Charleston. Mr. Memminger was elected a member, and took a very active part in all its deliberations, which resulted in the passage of the ordinance of Secession, December 20th, 1860. At this time he published a pamphlet advocating a new scheme for a Confederate government. The convention still remained in session, and when a Confederate Congress at Montgomery was decided upon, he became a member thereof. When the Congress assembled he was made chairman of a committee to draft a constitution for the Confederate States, and made the first draft of the constitution, which was subsequently adopted. Upon the organization of the Government, he was appointed Secretary of the Treasury, and, without having the funds to purchase the most trifling article of stationery, he thoroughly systematized the Department, and continued to administer it until his resignation in the summer of 1864. His financial abilities had already been thoroughly tested, and, perhaps, no man in the Confederate States had clearer views on financial subjects, or such a wonderful stock of expedients to meet the constantly recurring demands for funds by the new Government. He negotiated a loan in Europe on cotton then in the Confederate States, for about £3,000,000, devised all the means to raise the supplies needed to carry on the war, and when the first and only tax that was levied had produced but half of the sum expected, he

it was who devised the "tax in kind" which successfully solved the problem and enabled the war to be prosecuted with renewed vigor. He first devised the plan of issuing Confederate notes, to be taken up by bonds, a plan afterwards adopted by Secretary Chase in the United States with great success. Innumerable difficulties stared him in the face; it was impossible to get suitable paper for the notes or bonds, and there was only one man in the Confederacy, at New Orleans, who was competent to engrave them, the process being so slow that he was compelled to have them lithographed, though at the risk of counterfeits. In the absence of suitable paper he was compelled to buy a paper-mill at Richmond, and make such alterations as would enable the proper bank-note paper to be made. All this took much time, but in anticipation of such difficulties, he had sent to England for lithographic stones, paper, and all the necessary appliances; but, as luck would have it, one of the first ships captured by the Federals was the one containing these much-needed supplies.

The Confederate government, and by implication its Secretary of the Treasury, Mr. Memminger, has, in some quarters, been censured for not possessing itself of the cotton crop, as a basis of future credit. That such censure is wholly undeserved will appear from the following facts: The cotton crop of 1860-61 was officially stated at 3,849,000 bales; of this the Southern States consumed 193,000 bales, leaving for exportation 3,656,000 bales.

Up to February 28th, the month in which the Confederate government was organized, 3,000,000 bales had been received at the seaports, and the great bulk of it exported to Europe, and sold to New England spinners. By the first of May, 586,000 bales more had been received and sold. England and the Continent took 3,127,000 bales, New England took 654,000 bales, making a total of 3,781,000 bales.

It will be thus seen that before the new government was fully organized, the entire crop was beyond its reach. No part of the new crop was ready for the market before the ensuing

September. The blockade was instituted in May, and there were no vessels in the ports of the Confederacy after the expiration of the sixty days allowed to foreign tonnage under the blockade proclamation. Again, had it been possible for the Confederate government to have gained control of the crop, where could the vessels—some 4,000, allowing 1,000 bales to a ship—have been procured in the face of the notification of the blockade, and was not as much of the cotton shipped by private enterprise as could have been shipped by the government? When so shipped the proceeds of the sale were, in most cases, sold to the government in the shape of bills of exchange. The superior advantages of this plan is evinced by the fact that throughout the year the government exchanged its own notes for bills on England at par, with which it paid for all the arms and munitions of war. This vast amount of cotton could only have been procured in one of three ways—by seizure, by purchase, or by donation. Certainly, no one at the first inception of the Confederacy, would have ventured to propose to seize upon the crop then in the hands of the planters, and which furnished their only means of subsistence. With respect to purchase at the commencement of the government, the treasury had neither funds nor bank-note paper on which to print a note, and months elapsed before bonds or notes could be engraved and printed, and those constituted the entire currency. And when the mechanical difficulties were overcome, the financial presented an equal barrier. The scheme for raising money adopted by Congress was to issue Confederate notes, funding the redundant notes in interest-bearing bonds; and all payments at the Treasury were made in those notes. The daily demands on the Treasury greatly exceeded the means of supply. If, instead of applying the notes to the daily payments required at the Treasury, they had been used to purchase cotton, the Treasury would have found itself filled with cotton, without any money to meet the wants of the government until that cotton could be shipped abroad and sold. If, instead of payment in notes, the bonds of the govern-

ment had been used to purchase the cotton crop, those bonds would have been thrown in the market to meet the necessities of the planters, and their value as a means of funding the surplus currency would have been destroyed. It is obvious to any one acquainted with finance that this would have broken down the Confederate currency within the first year of its existence, whereas the plan pursued sustained its credit until broken down by calamities under which no credit could survive. The only remaining mode, then, in which the cotton could have been procured was by donation. So far was this donation from being possible, that the Treasury actually had to issue a circular in response to applications to the Government for aid to the planters in making loans to them, and not a bale of the crop of that year was contributed to the Government. An effort was made to get pledges of the next year's crop, in exchange for Government bonds. To accomplish this it was deemed necessary to allow the planters to get their own price through their own factors, without allowing the government to fix its price, and the whole amount thus pledged did not reach fifty millions, or about two months' expenses of the government, of which, perhaps, one-third was never received. Every one conversant with the politics of the day knows that it was the current expectation that the blockade could not be continued for a year. The United States Government equally supposed that the war would be of short duration, as is apparent from President Lincoln's proclamation calling for troops for ninety days; there could, therefore, be no motive to induce the Confederate government to store up cotton as a basis of credit. When it became apparent that the blockade and the war would continue, the government then made arrangements for using cotton as the basis of a foreign loan; and the large cotton-loan, negotiated in Europe by Messrs. Erlanger, furnished abundant resources to the government for its supplies from abroad. At no time was it in the power of the government to get possession of the cotton crop, unless it had seized the same by force, and by force compelled payment in a

depreciated currency, a high-handed course which could never receive the sanction of the statesmen who administered the Confederate government. The only approximation to it was in the shape of a tax in kind when the currency failed to command supplies, and which was made as just and equal as any other tax. The truth is, that instead of censure of the financial administration of the Confederate government being deserved, there is no instance on record where a war of such dimensions, in a constantly decreasing territory, has been sustained for four years by mere financial expedients. Early in 1864, in submitting his report as Secretary, Mr. Memminger, in view of the extreme and constantly increasing depreciation of the Confederate currency, proposed a scheme to Congress for a new loan to take up the outstanding currency, by the sale of the bonds of the loan at par, and a tax of five per cent. on all property to be paid in coin, or in the interest-coupons of the bonds, and by this loan it was proposed to consolidate all the forms of public debt. By this scheme he claimed that a reduction of the prices of all articles of subsistence would ensue, and a permanent reduction of the volume of the currency. The Confederate Congress, however, disapproved of his scheme, substituting another; upon this he intimated his wish to retire from the Treasurership. The scheme proposed by the Congress required to be put in action within ninety days, and as his resignation would render that impossible, there being no one else acquainted with the details, he remained in office sufficiently long to put the scheme in motion. In July, 1864, he resigned, and retired to his country residence at Flat Rock, North Carolina, where he remained until 1867, when he returned to Charleston.

At this period the mountain country was in a very dangerous and disorganized condition; a number of deserters and other lawless characters having banded together in the mountain districts, maintained a perfect system of brigandage, robbing and shooting with impunity, and Mr. Memminger's house was kept in a perfect state of siege, musket-holes being bored in his house,



and *cheveaux de frise* placed in front of the windows to guard against attack. In 1867 he resumed the practice of the law in Charleston, and finding that during his absence the phosphatic deposits had been discovered, at once organized a large company, which manufactured the first sulphuric acid that had been made in the South. This company was also the first, or second, to commence the manufacture of fertilizers, which has since become such an immense industry in the South. After the reorganization of the government, he again took the public schools in hand, and brought them once more into order. The Normal School, to which he devoted much attention, is now named the Memminger School, in his honor. He studiously avoided politics, until the inauguration of the campaign of 1876, for the purpose of wresting the State from corrupt, radical rule, when the people insisted on electing him to the Legislature. Among other important services he has since rendered has been the reorganization and speedy reopening of the South Carolina College, which is unquestionably largely due to his exertions. In his professional capacity he appeared in the courts and assisted in overthrowing the scrip of the Blue Ridge Railroad, and having established the fraudulent nature of the Conversion Bonds, obtained an injunction against them with the aid of Senator M. C. Butler. On the vexed question of the State debt, of which the Republican party had already fixed the amount, and agreed on a compromise of fifty cents on the dollar, Mr. Memminger was in favor of regarding the question as *un fait accompli*, and acknowledging the debt as it stood: many of the Democrats, however, wished to repudiate a portion of the debt as fraudulent, although much of it considered of that nature had been already paid, and it was eventually decided to refer all the portion in dispute to the Court of Claims. Mr. Memminger is a member of the Episcopalian Church, one of the Standing Committee of the Diocese of South Carolina, and has frequently been a representative at the General and State Conventions.

Mr. Memminger is a gentleman of varied tal-

ents: to see him leading the Assembly by the force of his arguments on almost every subject before that body, one would say he was a born statesman; to observe him at the head of a Finance Committee, it would seem that nature had intended him for a minister of the Treasury; to know him in a cause in a Court of Equity, it seemed as if he had devoted himself entirely to that branch of jurisprudence; while to follow him into a Court of Law before a jury, you would be struck with his marvellous power of statement, and his great influence in dealing with the facts of a case. Clearness, logic, and aptness of illustration are his pre-eminent mental traits, and his success as a lawyer is due as much to his great business capacity as to his learning and oratorical power. Always ready at figures, prompt to explain difficulties, throwing off all extraneous matter, and coming down to the real points at issue, he furnishes an example to young men to make themselves master of business detail first, and then adorn with learning and all the elegance of style and eloquence at command. He has ever been a man of sincere religious convictions, and from early life a member and active supporter of the Episcopal Church. His whole life and influence have always been on the side of law, order, education, religion, and good government, and he has proved himself one of the most useful members of the community in which he has passed his life. Simple, hearty, and unostentatious, the refinements of social life have ever had more attractions for him than the wider field of ambition. His long popularity in South Carolina has been the result of his acknowledged integrity or character, talents, and great business capacity, and he has throughout his life so shaped his course as to secure the solid and lasting respect of his fellow-citizens, rather than to court the enthusiasm of fleeting popularity. He has been twice married; first, in 1832, to Miss Mary Wilkinson, daughter of Dr. Willis Wilkinson, formerly of Virginia, and brother of Commodore Wilkinson; and, second, March 27th, 1878, to Miss Sarah A. Wilkinson, sister of the above. He has eight children living; his eldest son, Dr. Thomas Ben-

nett Memminger, is a physician of repute at St. Louis; the Rev. Robert Withers Memminger is a distinguished divine of Charleston, author of "What is Religion," "Present Issues," and "Greatness;" Christopher Gustavus Memminger, an orange-grower in Florida; Allard Memminger, analytical chemist of Charleston; Edward R. Memminger, now studying law; Ellen Memminger, engaged in orange-raising in Florida; Mary, wife of Mr. Van Cotte, an engineer in Brussels, and Virginia, wife of Ralph J. Middleton, Jr., of Charleston.

### CHIEF JUSTICE SMITH.

NORTH CAROLINA.



WILLIAM NATHAN HARRELL SMITH, Chief Justice of North Carolina, was born September 24th, 1812, in Murfreesboro, Hertford county, N. C. He is the son of William L. Smith, a native of Lyme, Conn., who studied medicine and removed to Hertford county, N. C., where he married, and died in 1813; and a half-brother of the Rev. Dr. James Murdock, D. D., the distinguished ecclesiastical historian, orientalist, and philosopher, who was accustomed every Sabbath, at least in his later years, to read a chapter of the Bible in seven different tongues. He received his preliminary education in Murfreesboro, Kingston, R. I., and Colchester, Conn., at which last place he was prepared for college, entering Yale in 1830, and graduating in 1834; Morrison R. Waite, Chief Justice of the United States, William M. Evarts, Secretary of State, and Edwards Pierrepont, late Minister to Great Britain, having been Freshmen in his Senior year. From the Academical department of Yale he passed to the Law department, then in the hands of Judge David S. Daggett, and Professor Hitchcock, under whom he qualified himself for the bar, and, after a visit of some six months to Texas, began the practice of his profession in his native town. In 1840 he was elected to represent Hertford county in the House of Commons of North Carolina, and in 1848 to represent the Hertford district in the

Senate of the State, during his service in which he was chosen by the Legislature State Solicitor for the Superior Courts of the First Judicial District, comprising the northeastern portion of the State, an office that he filled for two consecutive terms of four years each. On the expiration of his second term as Solicitor in 1857, he was nominated by the Whigs of his district for Congress, and defeated by a small majority, which, however, he overcame at the next election in 1859, and took his seat in the House at Washington just as the sectional conflict was on the eve of merging into civil war, becoming himself, at once, a prominent figure in the parliamentary struggles of the period. In the long and excited strife, consuming eight weeks, which preceded the organization of the House, he was nominated for the Speakership by the Southern Whigs, in opposition to John Sherman, nominated by the Republicans, and Thomas S. Bocock, the Democratic nominee. Some of the more moderate Republicans, known as the "People's Party," having signified their intention to vote for Mr. Smith, a tacit agreement was made by which the majority of the Democrats were to transfer their votes from Mr. Bocock to Mr. W. N. H. Smith, and he would unquestionably have been elected Speaker, but that refusing to pledge himself to Mr. E. Joy Morris, of Pennsylvania, one of the Republicans alluded to, to constitute the Committee of Ways and Means in the interest of Protection, the Republicans, with the honorable exception of Mr. Millward, of Pennsylvania, withheld their votes, and Mr. Sherman having withdrawn, Mr. Pennington, of New Jersey, was finally elected Speaker. He remained in his seat until the close of the session, being present at the inauguration of President Lincoln, in March, 1861. He was a member of the Confederate Congress during its existence, being elected to the Provisional Congress in July, 1861, and afterwards to the first and second permanent Confederate Congresses, representing the First Electoral District of North Carolina. During the course of this Congressional service he was closely associated with ex-Governor W. A. Graham, then a



*W. N. H. Smith*



member of the Confederate Senate from North Carolina, and John Baldwin, a Confederate Representative from Virginia, two of the most discreet and enlightened statesmen of the South. Almost the whole of the legislation was in the direction of raising supplies, and the greater part of it in secret session.

On the 18th of March, 1865, the second permanent Congress adjourned, to be followed in less than one month by the memorable scene at Appomattox Court House, after which he retired to Murfreesboro, and for a brief period employed himself with his private affairs. Before the close of the year he was elected to the House of Commons of the State, in which he zealously promoted the reconstitution of the State government under the plan of President Johnson. During the exciting Presidential canvass of 1868, the action of the Judges of the Supreme Court of North Carolina called forth a solemn protest from the Bar against judicial interference in political affairs, which was signed by one hundred and eight members of the Bar, including B. F. Moore, ex-Governor Thos. Bragg and E. Graham Haywood, three of its more prominent members. This protest was treated by Chief Justice Pearson as contempt of court, and argument was heard thereon at length. Mr. W. N. H. Smith was associated with ex-Judge Battles, ex-Judge Fowle, ex-Judge S. J. Person, and ex-Judge Barnes for the defence, and in an able speech bore eloquent testimony to Mr. Moore's consistent support of the dignity and prerogatives of the judicial tribunals of the country, and succeeded in obtaining a motion to discharge the rule on payment of costs. In March, 1870, he removed to Norfolk, Va., still retaining, however, his practice in the courts of North Carolina. In the winter of that year Governor W. W. Holden was impeached for misdemeanor in office and tried before the Senate of the State, sitting as a High Court of Impeachment, presided over by the Chief Justice, the trial being protracted over many weeks. Mr. Smith, although a political opponent, was selected by Governor Holden as one of his counsel, and made the closing argument in his

defence, vindicating his official conduct with masterly power. Two years spent in Norfolk, he returned to North Carolina, settling in Raleigh, where he formed a law partnership with George N. Strong, under the name of "Smith & Strong," which continued until the elevation of his partner to the Bench. In 1873 his political disabilities were removed by a special Act of Congress, there being only one other person in the State to whom the Act applied—Mr. Burton Craige, a former member, like himself, of the Federal and Confederate Congresses. He received, in 1874, the degree of LL.D. from the Wake Forrest College in North Carolina. At the general meeting of the Alumni of Yale, on the 24th of June, 1874, being the fortieth anniversary of his class, of which only twenty-five out of the original sixty-five were present, he made a touching and beautiful speech to his old class-mates, many of whom had not met each other since they parted forty years before. On the 12th of January, 1878, he was appointed by Governor Vance Chief Justice of the Supreme Court of North Carolina, to fill the vacancy caused by the death of Chief Justice Pearson, thus receiving the unusual honor of being elevated at once from the Bar to the head of the Bench. The appointment, totally unsought by him, was made with the concurrence alike of the Bar and the public, to whom his abilities as a lawyer and his traits as a man, pointed him out as the fittest person for the place. To a legal mind of a high order, enriched by wide and varied learning, the spoil of unremitting study, he adds the rare faculty of seizing the points of a case at a glance, and the power, yet more rare perhaps, of maintaining his intellectual balance in the presence of all snares and under all surprises. He is, besides, a writer noted for the perspicuity and purity of his style, and a cogent and eloquent speaker, having especially excelled as a pleader in the courts of last resort, where his practice has exceeded that of any other lawyer in the State. He is one of the most courteous and pleasant gentlemen, scrupulously just, and possesses singular modesty and purity of character. He has

ever been a consistent conservative, and his patriotism and zealous devotion to the great principles of constitutional liberty are undoubted. Among the more celebrated cases in which he has been engaged may be mentioned the contested will case of *Wood vs. Sawyer*, June term, 1867, which lasted four weeks and ended with a verdict establishing the will. An appeal was had to the Supreme Court, and Mr. Smith and a large array of counsel appeared contra, the will being admitted to probate. *Swasey vs. North Carolina Railroad Co.* and others, June term, 1874—Chief Justice Waite, delivering the opinion of the court, held: 1st. That, although the State, when a party to the record, cannot be sued in the Circuit Court, yet its agents (if the State be directly interested), when the State was not a party to the record, could be. 2d. That the stock of the State in the North Carolina Railroad was liable for any interest that might be due to the private shareholders of said road. 3d. Any dividends due the State from its stock was also liable for the same. 4th. All moneys in the treasury of the State not otherwise appropriated were likewise liable. These liabilities arising under the acts for the construction and completion of the road, which authorized such pledges "in addition to" the pledge of the public faith of the State. *Self vs. Jenkins*, June term, 1874, before Chief Justice Waite. Mandamus to compel the State treasurer to pay over to holders of special tax-bonds \$240,000 that was in his hands, and which had been collected under a clause in the Acts under which the bonds had been issued. This suit was brought under the advice of Reverdy Johnson and other able counsel, and the court decided adversely to the plaintiff's claim. The last two cases are not only interesting to the profession as adjudications of questions of vast importance, but the decisions are intimately connected with the interest of every tax-payer in the State of North Carolina. The opinions delivered were well considered, after able arguments pro and con, and were those of the highest judicial officer in our government.

Not only in the comparatively passionless

sphere of the higher courts, however, has he proved his strength, his appeals to the panel having been scarcely less famous than his arguments to the Bench. In a case in Pasquotank county, in which one Sawyer was indicted for the murder of the father of Senator Pools' first wife but acquitted, the evidence being purely circumstantial, his speech was declared, by George E. Badger, the eminent statesman and lawyer, who defended the prisoner, to have been one of the ablest prosecuting speeches that he had ever heard.

He married, January, 1839, Mary O. Wise, daughter of William B. Wise, merchant of Murfreesboro, N. C., and has two sons, the eldest, William W. Smith, who is a member of the firm of Lawrence & Smith, Insurance Agents, Raleigh, N. C., and E. Chambers Smith, now a student of Davidson College, Mecklenburg county, N. C.

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#### EX-GOVERNOR WATTS.

##### ALABAMA.

**T**HOMAS HILL WATTS was born January 3d, 1819, in Butler county, Ala., then a Territory. The place of his birth was within a mile of Fort Bibb—so named from Hon. William Wyat Bibb, Governor of the Territory and afterwards first Governor of the State—about sixteen miles west of the present town of Greenville. The Watts family are of Welsh descent, and first settled in Virginia, where Thomas Watts, grandfather of the subject of this sketch, was born; he became a sergeant in the company raised in Fauquier county, Va., for the revolutionary army by John Marshall, afterwards the world-renowned Chief Justice of the United States; served during the whole of the Revolutionary War, and, in 1797, removed into Greene county, Ga. His wife was of Dutch descent, and after his death married Governor Rabun, of Georgia. John Hughs Watts, son of the preceding, and father of T. H. Watts, was born in



Your obedient Servant  
J. W. Watts Sr.





Fauquier county, Va., was a man of remarkably strong mind and practical sense, with an intuitive knowledge of men. He married Prudence Hill, daughter of Thomas Hill, of Clarke county, Ga. She was remarkable for her industry and benevolence of heart, and lived to see the youngest of her many children grow to man and womanhood. They removed, in 1818, to Butler county, Ala., then a wild, unsettled country, the eastern portion of which was the Creek Indians' country; the Indians had but recently abandoned it and massacres were still frequent; among others killed was Colonel W. Butler, after whom the county was named. John H. Watts had a large family and was possessed of but slender means. Thomas H., his eldest son, was sent to one of the primitive schools of the neighborhood, then conducted by Burwell Rogers, the school-house in use being built of unhewn logs. At sixteen years of age he was sent to Airy Mount Academy, Dallas county, then a flourishing school under the direction of James A. McLean, an accomplished scholar from Edinburgh, Scotland; here his studies took a much wider range, and he made such satisfactory progress that his preceptor earnestly advised him to prepare himself for college. His father was keenly alive to the importance of a university education, but in view of the large family he had to bring up, did not consider himself justified in paying the college expenses of his eldest son, and yet give him an equal share with his other children in the property he would leave them at his death.

Thomas at once caught the suggestion, and told his father that if he would agree to pay his expenses while at college, he would forfeit all claim to any share of whatever property he might leave his children. This contract was mutually agreed to and faithfully kept by the son, and when his father died in 1841, and it was found that by a will executed before the bargain was made, that his property had been equally divided among all his children, then twelve in number, share and share alike, he filed in the Probate Court of Butler county a statement of the terms of this contract, and formally

relinquished to his brothers and sisters all interest whatever in his father's estate. In after years he never had occasion to regret his honorable fulfilment of a verbal promise made when only sixteen years of age, by which he resigned all participation in the division of property that he might legally have claimed. It was at first intended that he should enter the University of Alabama, but a disturbance having taken place between the students and the faculty, which threatened to close that institution, he determined to enter the University of Virginia.

In November, 1830, he started from home, going by stage from Selma to Montgomery and thence to Augusta, where he saw one of the first railroads built in this country and travelled upon it to Charleston, from whence he took steamer to Norfolk, and up the James river to Richmond and so by stage to Charlottesville. In December, 1836, he entered the University of Virginia as a student, in the middle of a session, and applied himself diligently to his studies for the next three years, graduating in all the schools except that of Greek. While at the University he was an omnivorous reader, pursuing his investigations into every subject with all the ardor and enthusiasm of youth. The perusal of such works as Hume on Miracles, Volney's Ruins, d'Holbach and others, led him at one time to reject the truth of the Bible. During his stay the celebrated Alexander Campbell, who had been elected an honorary member of the society, was invited by the Jefferson Society to deliver a lecture to the students, and a large number both of professors and students were present. Mr. Campbell was, perhaps, one of the ablest debaters ever heard in this country—of great acuteness of intellect, wonderful powers of logic and analysis, and learned in all science, physical and moral. In this lecture his great powers were displayed in vindicating the truth of the Bible as God's word. Hume, a fascinating writer and an especial favorite with the students, was handled as a giant would handle a baby; his definition of a miracle was shown to be untrue; the whole field of physical science was surveyed with a master-hand, and the result

was, that Hume was no longer looked upon by the students as an authority for rejecting the Bible. The whole foundation of Mr. Watts' infidelity was at once swept away, but it was not until August, 1846, that he made a public profession of religion, when at Greenville, under the ministry of that venerable and beloved Christian minister, David Lee, he put on Christ by public profession and baptism.

In July, 1840, he left the university, and returned home in all the turmoil of the presidential election of that year, in which he took an active part, when the Whig candidate, General W. H. Harrison, defeated Martin Van Buren for a second term. In 1841 he moved to Greenville, and, having passed his examination and received his license from Judge E. Pickens, commenced the practice of his profession in that town, and soon acquired reputation as a promising young lawyer. In 1842 he was elected to the State Legislature from Butler county, and was re-elected in 1844, and again in 1845. A circumstance occurred in connection with his election in 1844, which had a most salutary effect on public opinion. Mr. Watts had, since the spring of 1843, abandoned the use of ardent spirits as a beverage, and has ever since lived up to his professions: previous to the election of 1844, it had been the practice for candidates in Butler county to treat their supporters, and during this canvass Mr. Watts was publicly invited, before a large audience, to pay for his share of the liquor then on the ground. He at once declined, and proceeded to discuss from the hustings the propriety of the vicious practice, the result being that the other candidates, who had thus publicly invited him to share in the "treating," were compelled by public sentiment, not only to promise not to invite him to "treat" again, but to pledge themselves not to do so either directly or indirectly during the canvass. Mr. Watts was elected by a very large majority, receiving the votes of nearly every liquor-drinker in the country, without reference to party, for his bold stand against the evil practice of treating at elections. So long as he remained a resident, there was no further "treat-

ing" by candidates in Butler county. On the 1st of January, 1847, the seat of government having been removed from Tuscaloosa to Montgomery, he removed to the latter city, and entered on the duties of his profession with vigor and success. In 1848 he took into partnership with him Jefferson F. Jackson, afterwards United States District Attorney for the southern district of Alabama, who died in 1862. In 1851 T. J. Judge entered the firm, and it became Watts, Judge & Jackson. He was a man of rare abilities, and in 1865 became Associate Justice of the Supreme Court of Alabama, which office he was compelled to leave under the reconstruction measures in 1868; in 1874 he was elected to the Supreme Bench with Judges Brickell and Manning, and died, March, 1876. In 1859 D. S. Troy was added to the partnership, under the style of Watts, Judge, Jackson & Troy; he afterwards gained distinction as the Colonel of the Sixtieth Alabama, and in a gallant charge before Petersburg received a dangerous wound, and being carried into the enemy's lines, was reported dead. He is now member of the State Senate from Montgomery county. Governor Watts represented the county of Montgomery in the House of Representatives in 1849, and in 1853 was elected to the State Senate from Autauga and Montgomery counties. While in the Senate, he took the initiatory steps towards a geological survey of the State of Alabama. Two years later he became the nominee of the American or "Know Nothing" party for Congress, and in an exciting contest with Colonel Dowdell, of Chambers, was defeated by a very small majority. In 1860 he was a prominent supporter of the Bell and Everett ticket in that stormy presidential campaign, hoping that the election of moderate-minded men, who would administer the Government with an equal regard to the rights of all the States, would obviate the necessity of secession, to which he was strongly opposed. But the election of Abraham Lincoln by a purely sectional vote, upon a platform of principles which were regarded as destructive to the best interests of the South, and to constitutional government, convinced him of the

futility of all attempts at compromise, and he therefore united with his fellow-citizens in withdrawing his native State from the Union. Immediately after the meeting of the Electoral College, Governor A. B. Moore issued writs of election for a Constitutional Convention of the State, and Hon. W. L. Yancey and Mr. Watts were elected from Montgomery county. The convention met in Montgomery, January 7th, 1861, and Mr. Watts was made Chairman of the Judiciary Committee, the most important section of that body. On the 11th of January an ordinance was passed, by a vote of sixty-one to thirty-nine, "to dissolve the union between the State of Alabama and other States, under the compact styled the Constitution of the United States of America." Delegates were then chosen by the convention to represent the State in a provisional Congress of the seceding States, which was invited to meet in Montgomery. This provisional Congress—representing seven States, viz., South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida and Texas—assembled in Montgomery, February 4th, 1861, adopted the provisional Constitution, and elected Jefferson Davis provisional President, and Alexander H. Stephens provisional Vice-President of the Confederate States. The Constitutional Convention, after a brief recess, and a short continuance of the session, adjourned *sine die*, March 21st, 1861, after ratifying the Constitution of the Confederate States of America, establishing annual instead of biennial sessions of the General Assembly, and making other changes in the fundamental laws of minor importance. In August, 1861, Mr. Watts received a very complimentary vote for Governor, although he had declined to sanction the use of his name for that office. After the formation of the provisional Confederate Government he raised, in the summer of 1861, the Seventeenth Alabama regiment of infantry, and was elected its Colonel, serving at Pensacola, where he was present during the bombardment of that city by the Federal fleet, and afterwards at Corinth. When the permanent Government of the Confederate States was established, he

was selected, without solicitation and without his knowledge even, by President Davis as the Attorney-General of the Confederate States. He at once resigned his command, and, on the 9th of April, 1862, entered on the duties of his office in Richmond, Va. In August, 1863, while absent from the State, and against his expressed wishes, he was elected Governor of Alabama, by a large majority over the incumbent, Hon. John Gill Shorter, of Barbour. He resigned the office of Attorney-General of the Confederate States, October 1st, and was inaugurated Governor of Alabama, at Montgomery, December 1st, 1863, when he delivered the following inaugural address before the Alabama Legislature:

*"Gentlemen of the Senate and House of Representatives:* Called by the voice of the people of Alabama, without solicitation from me, to preside over the destiny of the State for the next two years, I cannot feel otherwise than grateful for this generous manifestation of confidence and esteem. In a time of profound peace such an honor might well be deemed the fit reward of a lifetime of public service. But conferred when the duties of the office have been increased a hundred-fold by the multiplied business created by the greatest war of modern times, when the clangor of war is heard all around us, and the sighs for our fallen brave fill every passing breeze, I scarcely know whether thanks are due for the grave responsibilities with which this election clothes me. I feel that I shall have need of the constant support and hearty sympathies of an indulgent people, and I pray God to give me such strength and wisdom as will enable me so to conduct our affairs, that no detriment shall accrue to the people of Alabama, and no stain shall mar the beauty of her honored name. Multiplied, grave and onerous as the duties of the office may now be, still I cannot deny, whilst entering on the discharge of its high functions, I feel some such pride and pleasure as a dutiful son must feel when obeying the will of a noble mother.

*"Gentlemen:* On the 11th day of January, 1861, the sovereign people of Alabama, through

their delegates in convention assembled, declared by solemn ordinance, that the bonds which bound her to the Government of the United States were severed. In thus deliberately acting, the people of Alabama only exercised a right belonging to every free people. In the days of 1776, our forefathers declared that to secure life, liberty and the pursuit of happiness, 'governments are instituted among men, deriving their powers from the consent of the governed; and that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundations on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.' After a war of seven years, checkered with various defeats and victories, our revolutionary sires achieved a crowning triumph, and wrung from the grasp of British tyranny their liberties and independence. The reluctant consent of Great Britain was given to the great principles of freedom for which they contended. In the treaty of peace which closed this revolutionary struggle, the old thirteen States, naming them separately and distinctly, were acknowledged by Great Britain to be '*free, sovereign and independent States.*'

"France was a party to this treaty, having given of her blood and treasure to accomplish this grand result. The articles of confederation formed and adopted during the progress of the war by the several States, then united in a common cause, declared 'that each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in Congress assembled.' These articles likewise declared that they were formed for a confederation and *perpetua* union between the States agreeing to them. After the pressure of this war was over, and when the recollection of common dangers and difficulties became less vivid, a new Constitution, that of 1787, was formed by the States then composing the Union, and after being thus formed, was submitted

separately to a convention of delegates chosen by each State, for its free acceptance or rejection. This Constitution was to be binding only between those States ratifying the same. Each one of the States, at different times, some promptly, some with lingering reluctance, separately and independently of each other, withdrew from the articles of confederation, and thus formed a new government under the Constitution of the United States. The sovereign people of each State, through their own delegates in convention assembled, adopted this Constitution to govern them in their intercourse and relations with foreign nations, and in their relations and intercourse with each other. The same sovereign people in each State who adopted State Constitutions, and who, throughout our political history as the United States, made, altered, or abolished their State Constitutions, ratified and adopted as their federal Constitution, the Constitution of 1787. In this Constitution the right of the sovereign people of each State to alter or abolish their government and to establish new governments for their safety and happiness, is not surrendered; neither is it prohibited. The Constitution expressly provides that 'the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.' The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.' This Constitution provides for the admission of new States. Under its provisions the Congress of the United States, on the 2d day of March, 1819, authorized the people of Alabama Territory 'to form for themselves a Constitution and State Government, and when formed into a State, shall be admitted into the Union upon the same footing with the original States, in all respects whatsoever.' In accordance with this Act of Congress, the people of Alabama, through their delegates in convention assembled, made their State Constitution and State Government, and ended their work on the 2d of August, 1819. On this day—the 2d day of August, 1819—our forefathers in Alabama,

through their delegates in Congress assembled, declared, as a part of their fundamental and organic law, that 'all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and therefore they have, at all times, an inalienable and indefeasible right to alter, reform, or abolish their form of government in such manner as they may think expedient.' With this declaration contained in the Constitution of Alabama, the Congress of the United States, on the 14th day of December, 1819, declared the State of Alabama to be one of the United States of America, admitting her by express terms into the Union 'on an equal footing with the original States, in all respects whatsoever.' Whatever right Virginia or any other State of the original thirteen possessed, Alabama possessed. Virginia, in the ordinance ratifying and adopting the Constitution of the United States, expressly reserved her right to withdraw the powers delegated, whenever, in her judgment, the safety and happiness of her people demanded it. When the people of Alabama, through their delegates in convention assembled, on the 11th of January, 1861, declared their withdrawal from the United States, they were only exercising a right which the Declaration of Independence declared belonged to every free people—a right not denied or prohibited in the Constitution of the United States; a right exercised by every State when the Constitution of 1787 was formed and adopted—an inalienable and indefeasible right to alter, reform or abolish their form of government, which Alabama's bill of rights declared might be done 'at all times—a right vital to freemen—dangerous only to tyrants. The sovereign people of Alabama, through their delegates in convention assembled, in 1861, only repealed an ordinance which the same sovereign people, through their delegates in convention assembled, ordained in 1819. The simple ordinance of secession declared the Constitution of the United States no longer binding on the people of Alabama; and that they were free to form and adopt a new Constitution to govern them in

their relations to other States, and with foreign powers. The State Government—the people of Alabama, remained the same, their relations to other States alone were changed. In accordance with the dictates of her judgment, Alabama and other States, now known as the Confederate States of America, formed a new Constitution and a new Government, based on the principles of the old one, amending the Constitution so as to leave no room for doubtful construction on disputed points. Because of the exercise of this right—a right lying at the foundation of all free government and the corner-stone of every republican system of government, the Northern States, now calling themselves the United States, made war on the Confederate States.

“The authorities of these Northern States, by their declarations and their conduct, thus deny the right of free government—deny that all governments derive their powers from the consent of the governed—deny the doctrines of the Declaration of Independence and the principles of the fathers of the Republic, and assert and attempt to exercise the doctrines of force. They deny to the people of Alabama the right of self-government, and declare the monstrous pharisaic dogma, that they have a right to *coerce* us to be subservient to *their* will! that they are our *superiors*, our masters, and we their inferiors, their slaves! Freemen of Alabama! If you had submitted to such monstrous pretensions, you would have been unworthy the heritage of freedom your patriot fathers left you! You would have been unworthy the sires from whence you sprung! You would have been unworthy the name of freemen! You would have been cowards, slaves indeed, fit for Yankee masters! When the Constitution of 1787 was adopted, the Northern States had little more of population than the Southern States. Even under the census of 1790 the political power of the North, as reflected in the House of Representatives of Congress, only exceeded that of the South by five majority. The North was cold in climate, with comparatively rugged and barren soil. The South was blessed with a mild and generous and healthful

climate, and with a soil of unsurpassed fertility. The South had more commerce, more wealth, and all the prospects as far as natural advantages indicated of a far more rapidly increasing population. Yet in the progress of our history, through means of various acts of congressional legislation (unnecessary here to mention), large portions of Southern territory were devoted to Northern aggrandizement; the population of the North was greatly augmented beyond the natural increase; the bulk of the commerce and capital of the country was concentrated there. The rich South was despoiled of her wealth and commerce, and had become for years little more than a tributary to the swelling magnitude of Northern commerce and power. In proportion to the increased commerce, augmented population and concentrated capital, the political power of the North was increased. So that, under the census of 1850—little more than half a century after the adoption of the Constitution of 1787—the political power of the North as reflected in the House of Representatives had increased from five to fifty-five majority. With this increasing political power came constant turmoil and aggressions on the rights of the South. The most solemn constitutional guarantees were trifled with or wantonly disregarded by the States and people of the North.

“Almost from the foundation of the Government under the Constitution of 1787, the North and the South differed—widely differed—as to the character of the government and the construction of the Constitution. The North always contended for a latitudinous, the South for a strict construction of the Constitution. There was manifested in the North a constant and persistent tendency to regard the people of the United States as *one nation*. The South more truly maintained that in no sense could the United States be considered as one nation except in the relation they bore to other governments and nations; that the true character of the government was that of a Federal Republic, having for its basis a confederation of separate and sovereign States. The whole framework of the Constitution and the history of its adoption

proved the Southern view to have been the correct one. Instead of being a Government controlled by a mere numerical majority, as contended by the statesmen of the North, it was intended by its framers to be controlled and governed by concurrent majorities of States and the people of the States as represented in the House of Representatives. The States, in their separate sovereign character, adopted the Constitution. It was binding on none until accepted by the free consent and ratification of its people. No act could ever become a law by the simple majority of the people as represented by the House of Representatives. The Senators, the Representatives of the States—the larger and smaller being equal in power—must first concur. And yet still, the President, who when elected by electors was the double representative of the States, and the people of the States, and when elected by Congress, the representative of the States, must give his sanction before any measure could become a law, unless passed by a constitutional majority over his negative. So long as the South had equality with the North in the Senate, the South had some guarantee that her rights would be protected. But when the progress of events destroyed this equality, the rights of the South, as recent events clearly prove, were no longer safe in the Union. When the North obtained a majority of the States, and a majority of the people of the States, the greed of sectional dominion with insane furore seized the public mind, and not heeding even the warnings of her own patriotic sons, disregarding the protests of the minority South, the North undertook to select the President and Vice-President from her own borders, and by purely a sectional majority, to install the wildest fanaticism in a chair once honored by Washington. So that, in truth and in fact, whatever may have been the theory, the North having a majority of States, a majority of the people—majority in Senate and House of Representatives—and a President and Vice-President selected from the North by a purely sectional vote, thus ignoring the South in the administration of Federal affairs, the government became practically one, governed by the will of

a mere numerical majority. In all ages such a government has been a despotism! For years the South watched with intense interest the rapid progress of events; the increasing fanaticism of the North, threatening destruction to the landmarks of the Constitution of our forefathers, and endangering the great interests and liberties of the South. In various ways and at repeated times, the Southern people evinced their apprehensions for their future peace and happiness. The two great parties in the slaveholding States each adopted resolutions as portions of the party creed, denouncing the election by the North of a Black Republican President on a platform avowing the destructive dogmas of that party, and they declared their firm purpose in the event of such election to sever every tie which bound them to the Union.

“In Alabama this was done as early as 1856. In 1859-60 the Legislature of Alabama, by a vote unanimous, save two dissenting voices, passed resolutions authorizing and requiring the Governor of the State, in such event, to call a convention of the people of the State ‘to consider, determine, and do whatever, in the opinion of such convention, the rights, interests and honor of the State of Alabama require to be done for their protection.’ The people of the South made all honorable efforts to avoid the necessity which such an event would produce. By conventions and legislatures solemn warning was given to the people of the North of the fixed determination of the South on this subject. But the North, disregarding the time-honored principles of the fathers of the Republic, turning a deaf ear to the voice of Southern patriotism, forgetful of the ties which bind freemen to principle, ignoring the hallowed associations of our Revolutionary history, mad with fanaticism and filled with the boastful pride of numerical strength, rushed headlong in the wild career of sectional domination. When the Convention of Alabama met on the 7th day of January, 1861, the members were united in heart. The unanimous declaration on the first day of the Convention ‘that the people of Alabama will not submit to be parties to the inauguration and administra-

tion of Abraham Lincoln as President, and Hannibal Hamlin as Vice-President of the United States of America,’ demonstrated a fixed and united purpose. The co-operationists and separate secessionists were equally intent for resistance, equally honest, equally patriotic, and they only differed intellectually as to the best and safest mode of making that resistance effectual and permanent. And when the first tocsin of war was sounded, co-operationists and secessionists marched shoulder to shoulder, heart to heart, hand in hand, to the arbitrament of battle. From the Gulf to our northern border; from the mountains, valleys and plains; from the east and from the west, the stalwart sons of Alabama rushed to the standard of the new-born Republic. And with dauntless bravery and heroism, they have crimsoned with their blood every battle-field from Manassas to Chickamauga. An imperishable monument of glorious renown has been erected for the State! The name ‘Alabamian’ has become immortal in history!

“In the commencement of the war, Lincoln and his followers declared their purpose as simply to repossess the forts and arsenals, the public property; and to suppress the rebellion. It was supposed by the North that the large mass of the people in the South were willing to submit to Black Republican rule—and that it only needed an opportunity to rally around the flag which was once the proud ensign of a united people. These flattering anticipations were soon dissipated. Seventy-five thousand men were deemed by them quite sufficient to crush in ninety days the power of the Confederate States. The flying hosts of Lincoln at Bethel and Manassas showed the prowess of Southern arms and the folly of Northern calculations. The banner, once loved and honored by Southern people, became the object of loathing and disgust, and the hated emblem of oppression and tyranny. Then three hundred thousand additional men were called for by Lincoln; and the South, by the power of numbers, was to be coerced into further affiliation with the North! The Confederate States were to be forced back into a Union whose first principle was *free consent*. It was vainly imagined

by the wise men of the North that the eighteen millions of Northern whites could and would very soon crush to powder the eight millions of Southern white people; especially as in their vain imaginings they supposed the four millions of blacks were here amongst us ready to burst the bonds which bound them to us. But these men, wise in their own conceit, forgot that 'the battle is not always to the strong, nor the race to the swift.' They forgot that there was a God of justice, the Ruler of men and nations.

"In numerical strength, and in all the appliances of war, the North certainly had greatly the advantage of us. The North had the regular army, the navy, the commercial marine, manufactories of arms, and of all the munitions of war. The South had no regular army, no navy, no commercial marine, no manufactories of arms or powder! Very soon all our ports were blockaded, and, being thus cut off from the outside world, we were left to our own resources, our own strong arms and stout hearts. By the blessing of God, these have availed us thus far to maintain our cause. We have, as it were, improvised armies, arms, and munitions, of which Napoleon, in his palmy days, might have been justly proud. Aye, more! by the energy and wisdom displayed, by the brilliant achievements of our arms on a hundred fields, by the Christian magnanimity we have shown to our enemies, we, but yesterday unknown, to-day have drawn from reluctant lips not only praise, but the admiration of all enlightened nations. The series of brilliant triumphs, achieved over the North in 1862, caused the President of the North to announce a different policy. With all the efforts of the people of the North, aided by every foreigner who could be bought with money or seduced by promises of booty, with the ports of every nation open to his commerce and his necessities, Lincoln was forced to admit that the eighteen millions of Northern whites could not coerce the South back into the Union. A new discovery in Black Republican philosophy was made. It was proved by numerous experiments in the great crucible of practice that the slave population, instead of being a grand vol-

cano, threatening destruction and death to the cause of Southern Independence, was a great element of Southern power. Lincoln, without the authority of his Congress or Constitution, in the fall of 1862, proclaimed his intention to declare free every slave of the South, unless, by the 1st of January, 1863, we should lay down our arms, and, with crossed hands, repentantly submit to his dominion. The South scorned alike his threats and his promises! His threatened proclamation in due time made its appearance. It was as impotent as it was unconstitutional. It was mere *brutum fulmen* so far as it affects the institution of slavery. But it deserves to be considered by our people as showing the temper of the Northern mind. In the first place, it is a humiliating confession of Yankee weakness. It is a confession that the eighteen millions of Northern whites, strengthened by all the foreign aid they could get, were unable to coerce the Southern States back into the Union. In the next place, it shows an utter disregard of Constitutional obligations, a palpable violation of that Constitution once revered by our fathers and by us. In the third place, it shows an utter disregard of the principles of international law settled for ages, by publicists, and recognized as binding by Kent, Wheaton, Gardner, and Adams! It is, in the fourth place, a deliberate attempt to excite our slaves to insurrection; it is an invitation, yea, an urgent solicitation, to an ignorant race, recognized as our property by the Constitution Lincoln has sworn to support, to commit murder, rapine, rape, arson, and all manner of diabolical deeds. An invitation to have our homes and our firesides deluged with the blood of our wives and our children. It is the expression of fiendish wish to see a whole country deluged in innocent blood, and to hear the mingled lamentations of a whole people, and to see the 'blackness of darkness,' like a funeral pall, overspread forever the glories of our sunny land! This proclamation was the first authoritative announcement that this war was no longer waged for a restoration of the Union. Reconstruction of the Union is no longer desirable, no longer practical, even with Lincoln! It has



been recently announced by Lincoln's Solicitor of the Treasury—it is proclaimed by his generals in the field—that the purpose of the North now is, to *subjugate* the freemen of the South, to confiscate all their property and deprive them of all that freemen hold dear! State lines and all State rights are to be abolished. The right to have Legislatures, Governors, Judges of our own choosing, juries from amongst us, the right to vote, even, every civil and political right is to be denied to the *subjugated* South! Some Butler, or some black *satrap* of Lincoln's creation, would, in such an event, be the Governor of Alabama, with a standing army of blacks to ravage our country, outrage our women, and hold freemen in bondage! As if God had given such a people over to the reprobation of the devil, during the progress of this war, the people of the North seem to have lost every principle of morals, law, and religion which adorn a civilized people! In attempting to deprive us of our liberties, they have lost their own! Every principle of constitutional liberty amongst them has been destroyed. The writ of *habeas corpus*, the great writ of liberty, wrung from tyrant hands ages ago by our British ancestors, has been suspended by the simple will of Lincoln. The freedom of the press—of speech, the right of petition, trial by jury, have all been trampled under foot. The monstrous dogma has been proclaimed in high places that in time of war, the Constitution, its guarantees and prohibitions, are all suspended, and that all power to do or not to do, is concentrated by political necessity in the unrestrained hands of a single man.

“On their part, in the conduct of the war, every principle of civilized usage has been set at naught; obligations and stipulations, always heretofore held sacred even by savage nations, have been violated when convenience and present policy interfered with their fulfilment. In such portions of our country as the fortunes of war have enabled them to possess, private property, heretofore respected by the usage of all modern nations, has either been dishonestly appropriated or wantonly destroyed. Works of

art and ornament, the proudest achievements of genius, the keepsakes and mementos of departed friends, have been filched from the places they graced, and carried North to beautify some Yankee general's parlor, made luxuriant by the spoils from Southern households. The graves of our honored dead, the houses where Christians worship God, have been basely desecrated (despoiled of the emblems which love had consecrated to honor), polluted and destroyed by these Northern Goths and Vandals! It almost seems that such a people have always been strangers to us! Is it possible that we could ever again dwell in political Union with such a people? It is almost an insult to ask a Southern man such a question. By the graves of our fallen sons, around our desolated altars, in view of our devastated fields and blazing homes and cities, in view of our banners, red all over with Southern blood, let us renew our faith to the Southern cause, and let us swear before high heaven, whatever else may be our fate, we will never have political connection with such a God-cursed race! Whatever may have been the differences of opinion amongst our people as to the propriety of dissolving the Union in 1861, there cannot now be any difference as to our duties to our State and country. Our property, our homes, our wives and our children, our lives, our liberties and our honor—everything we hold dear on earth—are dependent upon the triumph of the Southern arms. Should we be conquered, everything worth living for will be gone. Our political salvation now depends on our own resources, our own energies, bravery and fortitude. With the continued favor of Providence, and with hearty co-operation amongst ourselves, we shall be equal to the task before us. Every motive which can urge a freeman to noble deeds and lofty daring prompts to action now. Death will be a heavenly boon compared to the miseries of Yankee rule. If the proud Roman could sing, in the acme of Roman power, *dulce est pro patria mori*—'tis sweet for one's country to die—can we not prove by our actions, 'tis glorious to die for our native land? If our people will only be true to themselves, true to

their homes and their firesides, and true to their God, our liberties are safe and our triumph is sure. In the beginning of the war we had only undisciplined citizen soldiers, few guns, no heavy artillery, little powder and other munitions or appliances for warlike defence. After near three years of war we have larger armies to-day than we have ever had; we have more arms, munitions and equipments of war than we have ever had. We have manufactories of arms and powder sufficient to arm our whole people. We have a growing navy. Already the few cruisers we have put afloat have driven the bulk of Yankee commerce from the ocean, or compelled their vessels to seek shelter under the flags of foreign nations. We have fought more battles than Alexander, Cæsar or Napoleon ever fought. In nearly all we have been the victors. In not one, where there has been anything like equality in numbers, have we ever failed to triumph over the foe. In all the great battles we have been greatly inferior in numbers to our enemy. To-day we are more nearly equal to our enemy in numbers than we have ever been. If all our men now enrolled were at their posts of duty our armies in the field would quite equal those of the enemy. It is true we have met with some serious reverses. But in the Providence of God our reverses have availed the enemy little advantage. Our reverses and sufferings have never half equalled those of our fathers of 1776, and yet they, three millions in number, triumphed over all the power of Great Britain. The 'Old Dominion,' whose sod has been truly 'the dark and bloody ground' of this war, stands yet erect and proudly boasts *sic semper tyrannis*. McDowell, McClellan, Pope, Burnside, Hooker, Meade, each with an army the 'best the world ever saw,' with boastful pride and banners gleaming, has essayed to find a road to Richmond. Each has been signally foiled in all attempts on the capital of Virginia and of the Confederacy, by the Beauregards, Johnstons, Lees, Jacksons and Longstreets of the South. While Virginia stands as an adamant wall against the onward march of Lincoln's columns, never let the voice of despondency be uttered from our lips or find a lodgment in our hearts. Charleston, after one hundred and forty days' bombardment, from navy and land batteries combined, controlled and directed by all the science of Yankee ingenuity, still stands with her colors proudly and defiantly floating. The names of Sumter and Moultrie have had the glories of 1863 added to the renowned memories of Revolutionary times. Whilst Alabama mourns thousands of her noblest men, her Jones's, Martin, Lomax, Moore, Hale, Baine, Woodward, Pegnes, Pelham, Tracey, Garrott, Webb, Deshler, and other fallen braves, have erected along the mountain-cliffs of fame the beacon-lights by which in all time her sons of freedom may discern the path to honor and renown. Had I the time and you the patience, it would delight me to refer to many incidents of battle in which Alabama's sons have gained a 'deathless name;' nor yet would I stop with recounting the deeds of Alabama's *sons!* Her *daughters* are the diamonds which sparkle in her coronet of glory! Woman's voice-whispered courage when the first blow for freedom was struck! Woman's hands made the clothes the soldier wears! Woman made the banners under which the soldiers rush to the charge! Woman's smiles encourage the timid, her frowns send back the skulker to duty! and her fortitude gives new strength and assurance to the despondent. Go to the fireside, and there is heard the mother's prayer for her husband, son and country. Go to the houses made desolate by the horrors of war, and there is heard the sympathetic sigh of woman! Go to the hospitals where our sons and brothers, with mangled limbs and bleeding hearts, in confusion lie, and there woman binds up the broken limbs and soothes the bleeding hearts. Go to the couch of the dying soldier-boy, far from home and friends, and there woman's hands wipe the death-damp from his noble brow, and her tears soften the sod over his humble grave. Woman has been and is the inspiring angel, whose influence nerves the arm and swells the heart of the soldier in the camp, on the march, on the battle-field in the death-struggle for liberty.

“Woman has recorded her name on the brightest page in our annals of freedom. But, gentlemen, we have grave duties yet to perform before our independence is safe. Large numbers of our soldiers have gone from home, carrying their lives in their hands, to fight our battles, and have left their wives and little ones without means of subsistence. There are many women and children made widows and orphans by this war equally comfortless, equally unprovided for. Now what is our duty to these? It is obviously to feed, to clothe, to comfort, to protect, to care for those, the loved ones of our brave soldiers, thus become the children of the Republic. Whilst all the people of Alabama have their lives and their liberties staked on the result of this war, and large numbers have property to be saved and protected, many of our soldiers now in the field have nothing but their lives, their wives and children, and their liberties. Those of our people who have property to be saved and protected are under a double obligation to feed, clothe and protect the wives and children of the brave men who form, with their bodies, breastworks against Yankee invasion and outrage. The people of south and middle Alabama, the seat of wealth and plenty, cannot discharge their whole duty unless they, out of their abundance, provide for the families left destitute in other portions of the State. Let the soldier know, whilst he is gone, that his loved ones at home are cared for, and this very knowledge gives renewed strength to his arm, fills his heart anew with the fires of patriotism.

“I trust that liberal and just hearts need on this subject but a suggestion. But, gentlemen legislators, you will not discharge your duty unless you provide for the wants of these wives and children. Tax heavily, if need be; tax liberally the property of the citizens of the State, so that their wants may surely be supplied, and thus show to the brave defenders of our soil that their services are appreciated by grateful hearts at home. Let us in private and in public stations come up to the full measure of our duty. We have fallen short of our duty. I fear, I know we have been too much absorbed with a

greedy lust for money-making. The glittering treasures which filthy lucre hoards, have been gathered, too often, from the tears and sighs of widows and orphans, wives and children of soldiers, who, amidst the thunders of battle, have poured out their life-blood. God will never prosper riches so acquired, nor favor any people so forgetful of the duties of humanity and true patriotism. Our Confederate currency must be upheld. Every dollar's worth of property in the Confederate States is pledged for its redemption. It can only become worthless by our subjugation, by our failure to achieve our independence. If we are ever conquered, we shall conquer ourselves by failure to discharge our duty. If we fail, then nothing we can call our *own* will be worth a dollar to us. It is the currency which our soldiers receive for their services. If it is good enough for them, it is surely good enough for any property we have. Let it be sustained at all hazards. The credit of the Confederate States is the life-blood of Southern liberty. The Legislature of Alabama and of the several States ought to aid in sustaining the credit of Confederate promises. Our Senators and Representatives in Congress ought to feel and know that a people who have shown no unwillingness to give up their children as sacrifices on the altars of Southern freedom, are ready to devote their property to the establishment of their independence. We should cultivate a better spirit of harmony amongst ourselves. We are all engaged in a common cause. Whatever is the interest of any good man is the interest of the whole State. One fate awaits us all. We must resolve to die in one common grave or live in the enjoyment of a common liberty. The fires of past party must be extinguished. The baptism of blood through which our people have passed in defence of a common cause and country, ought to have washed out all the defilements of prejudice, renewed in us right spirits, and fitted us for a nobler career of future prosperity and happiness. Let us learn to regard every man who sustains our cause with his blood or treasure as a friend and brother, whatever may have been his former opinions. And let us

henceforth, and until this contest ends in our complete independence, have but *one par y*—and let that be, heart and soul, for the Southern cause! Let us give our noble President, and those associated with him in power, a generous confidence and support. That he has committed errors is simply to say that he is a man! No man, in his trying position, could have shown more energy, more ability, more patriotic fervor, more regard for the rights of the people and of the States. But whilst I advise a generous confidence in our public authorities, I would not have the people forget that ‘Vigilance is the price and preserver of liberty.’

“In times of war, the tendency of authority, civil and military, is to assume unwarranted power, under the plausible plea of public necessity. Let us never forget that our Constitution was made for war and peace, and that we have for its construction but one set of rules which *shall* govern in war as well as in peace. And let the cardinal rule be, *strict construction*. Let us not overlook the fact that the military power, by the Constitution, is to be always subordinate to the civil authority, and let us take care that our rights and liberties at home shall not be sacrificed whilst resisting the oppression and tyranny of the North. Whilst Alabama has not shown any disposition to shrink from the performance of her full duty to the Confederate States, still she has not promptly responded to the last call made on her by the President. I know the reason why this delay has occurred. Let there be no cause for further delay. Our State has been invaded, and every day the enemy’s footsteps pollute our soil adds insult to injury, and ought to arouse higher and higher the just indignation and the energies of our people. Let us arouse our people in every county of the State, and let it not be said that Alabamians can sleep quietly at home whilst any of our citizens have been brutally murdered, driven from their firesides, their property pillaged, or ruthlessly, maliciously and wantonly destroyed. If we will promptly organize under the act of Congress for local defence, or under the militia laws of the State, thousands of troops now engaged in catching

skulkers and deserters, can be sent to the armies to which they belong, and the people who have been harassed and their substance eaten by men paying little regard to persons or property, will be free from annoyance. The skulkers and deserters can and will be sent to their duty by good men organized at home. The excesses and outrages committed by irresponsible bodies of men in some portions of our State is a sore and crying evil, and they must be stopped. The manner in which the impressment law of Congress has been executed in many portions of our State needs your serious attention. Gross wrong, and I had almost said wanton injuries, have been perpetrated by officers who have no common sense, and no regard for the proprieties of life or the rights of property. If our laws do not furnish ample remedy for such outrages, provide the remedy. In discharging the duties of the office I am about to assume, I shall endeavor to see that the rights of our citizens are protected from violence at home as well as against the raids and ravages of our enemy. I shall expect, as I have a right to demand, the hearty co-operation of all in the support of every measure calculated to promote the prosperity and happiness of the people of Alabama and the cause of Southern independence. Let us never forget that the Almighty rules over the affairs of men, and that people and governments are His handiwork! That His favor may be continued towards us as it has been in the past, let us constantly implore His mercy by submitting ourselves in all things to His will. Let us humble ourselves in His sight, and show by our acts that we deserve His protecting care!”

This address created great attention, and was so clear and conclusive a defence of the right of the Southern States to secede from the Federal Union, that it was printed by request, and a number of copies were sent to Europe as an able statement of the question from the Southern stand-point. Governor Watts discharged the responsible and onerous duties of Governor of Alabama during the last year and a-half of the war, the most momentous and trying period through which Alabama has yet passed. The

Federal army occupied the capital of the State, April 12th, 1865, and Governor Watts' term of office practically ceased at that date. His plantation was raided by the Federal troops, and 2500 bales of cotton and 3,000 bushels of corn destroyed which was about to be distributed among the poor of Butler county, in addition to the loss of a quantity of bacon and forty head of mules. In the fall of 1868, Governor Watts took an active part in the Presidential campaign in support of Seymour and Blair, and, while addressing the citizens of Elmore, Autauga and Coosa at Wetumpka on the 22d of August, discussed the question as to whether the people of Alabama could vote at the forthcoming Presidential election. The carpet-bag Legislature had adjourned, after failing in the attempt to pass, over the Governor's veto, an Electoral Bill vesting the choice of the Presidential electors in the Legislature; and declining to enact a Registration Law, with the design to deprive the people of Alabama of their electoral representation in the choice of a President. Governor Watts held that a perfectly legal election could be held under the laws as contained in the Revised Code, in the absence of a registration law, and that "all who were not disqualified could vote without registering, and without taking the oath." He was of opinion, however, that the prescribed oath could be taken by the people of the South with a clear conscience, and that, under the circumstances, it was their duty to do so, in order to carry the State for Seymour and Blair, and thus re-establish the great and fundamental rights embodied in American Liberty. He said: "One great and controlling reason why we should vote for Seymour and Blair is, that they stand squarely on the platform of principles adopted unanimously by a convention composed of delegates from every State and congressional district in the Union. The platform plants itself as on a rock, on the Constitution—the written Constitution established by our fathers. It guarantees the equal rights of all the States—not a star is blotted out nor its effulgence dimmed by the carnage and strife of war; a strict construction of that Constitution is demanded as essential to the enjoyment of republican liberty—as an essential barrier against usurpation and consolidation of all powers of government in the hands of some military despot. Economy in the administration of all departments of the government; the maintenance of the three great departments, executive, legislative and judicial, in the exercise of their appropriate constitutional powers, with no infringement upon the rights of either by the others, or by either of them, is also a cardinal principle of the platform. The payment of the public debt; the reduction of taxes, so that labor may be protected and properly rewarded. The restoration of the Southern States to the enjoyment of the rights which belong to them—the freedom of speech, freedom of the press, the restoration of *habeas corpus* in times of peace and war. The restoration of real peace to our whole country, so that once more our broad land may blossom as the rose, and with abundance and prosperity bless a united and happy people. The Constitution which has been buried in the grave of radicalism shall burst the cerements of the tomb and be resurrected into newness of life—so that it may again become, as it was in the past, our pillar of fire in the night of our adversity, and our pillar of cloud in the day of our prosperity. All these are doctrines of the platform." Speaking of Horatio Seymour, he said: "He vividly recalls to our minds by his noble qualities of head and heart, the statesmen—the grand old statesmen—who, in the earlier and better days of our history, illustrated by their deeds and their words the glory of our independence and the grandeur of constitutional liberty. With an intellect broad, deep and towering, he stands to-day the peer of the wisest and best our country has ever produced. In private, beloved and honored for the purity and goodness of an unstained life, and in public always the fearless upholder of what he believed to be the truth. He is no timeserver; no political trickster; no demagogue, to lure by his words and destroy by his acts; but the great statesman and patriot—the lover of the whole country. In the depth of his practical knowledge, in the eloquence of

his words, in the elevation of his public life, he reminds me of him who said, 'he would rather be right than be President.' In his strict adherence to principles, in times of peril and prosperity; in his pursuit of good, with an eye single to truth; in the terseness of his logic, and his far-seeing statesmanship, he reminds me of the great statesman who for so many years was the idol of South Carolina, and the admiration of the South. In his broad love of country; in his deep knowledge of the Constitution, and in the grandeur of his noble mind, he recalls to me the godlike Webster."

In June, 1872, the case of the United States *vs.* Smith, Pylant and Bozeman—one of those known as the Ku-Klux—was tried in Montgomery, Governor Watts appearing as one of the counsel for the defendants. The case was tried before Judge Busted, of New York, one of those notorious partisan United States Judges that disgraced the Bench in that dark period in the history of the South, when law and justice were trampled under foot to subserve the purposes of sectional hate. He conducted the trial in the most arbitrary manner, assuming the functions of prosecutor as well as judge. The counsel for the prisoners were treated with the greatest indignity, and his conduct was so outrageous, rivalling that of the notorious Judge Jeffreys in the time of Charles II., of England, that the sympathy of the jury was excited in favor of the prisoners. Governor Watts conducted the defence with admirable patience and self-restraint in face of the arrogant browbeating of the Court, and concluded his address to the jury as follows: "You were told by the United States District Attorney for the Southern District of Alabama, Mr. Southworth, that you should permit the prejudice—the indignation which arises in every good man's breast towards the perpetrators of these horrid crimes—these combined crimes of midnight arson and midnight assassination—to influence your verdict of guilt or innocence in this case. Not content with a verdict such as the evidence may produce in the minds of reasonable and just men, he would have you make victims of even innocent men in

order to appease his holy horror for such crimes, and to vindicate the violated majesty of the law. This appeal to your passions, rather than to your reason, is a confession that the evidence alone is not sufficient to convict these defendants. If so, why should such an argument be addressed to you? Such a sentiment is not fit to be uttered by the representative of a Government whose foundations were cemented with the blood of our revolutionary sires, and whose soil is hailed everywhere as 'The land of the free, and the home of the brave.' Such a sentiment—that the innocent may be convicted, in order to strike terror into the hearts of the wicked—ought to find no abiding place in a Christian land, illumined by the civilization of the nineteenth century. A Nero in heathen Rome once practised such a sentiment, and he has received as the just reward of his wickedness the combined execrations of mankind. And King Herod, when the Star of Bethlehem first cast his infant rays on a benighted world, being mocked by the wise men, became exceeding wroth, 'sent forth and slew in Bethlehem and the coasts thereof, all children of the age of two years and under,' that he might be sure to destroy the 'King of the Jews'—Christ, the Saviour of mankind. And we are told in the Bible that 'Then was fulfilled that which was spoken by Jeremy the prophet, saying: In Rama was there a voice heard, lamentation and weeping and great mourning, Rachel weeping for her children and would not be comforted because they were not.' If innocent men are now to be convicted for the sake of the guilty, here in our land will be heard a voice, lamentation and weeping and great mourning—Alabama mourning for her children and will not be comforted, because they are not.

"But I thank God we live in a Christian land! I thank God we live in a land where justice and mercy go hand in hand! I thank God we live in a land where the liberty of the citizens and the lives of the innocent are shielded against the unholy purposes of wicked rulers, against the tyranny of men in high places, by the blood-bought sacred right of trial by jury—

that great bulwark of liberty against the oppression of despotism. Gentlemen, the oath you have taken demands that these prisoners shall be tried by the evidence, and by the evidence alone! Not by the opinions of Mr. Minnis, not by the opinions of Mr. Southworth, not by the opinions of Judge Lewis, not by the opinions of the counsel of the prisoners, nor yet by the opinions of the Judge on the Bench. What the testimony proves, what weight it shall have, what credit you will give to each witness and to each fact and circumstance, what shall be your verdict on this evidence is left wisely and exclusively to your own judgments and consciences in the sight of men and God! The oath you have taken that you will well and truly try the prisoners at the bar, and true deliverance make, and a true verdict render, *according to the evidence*, has not only been registered in this temple of justice, but it has been registered in the high Chancery of Heaven, and there it stands recorded until time shall be no more! You will not be, therefore, swerved from duty by fear, favor, affection, reward, or the hope thereof; neither by the blackness of the crimes charged against these defendants, nor by the blandishments of power, nor by anything save justice and truth! Again, you were told by Mr. Southworth, that, 'according as this case is decided, you decide the weal or woe of Alabama.' What means this language coming from the mouth-piece of the Government of the United States? Does it mean that you are to convict these defendants, whether guilty or innocent, to serve the purpose of the Government? Does it mean that if, in your honest search for truth, you shall feel it your duty, under the evidence, to render a verdict of not guilty, that 'woe' is to be visited on Alabama by the power he represents? Is martial law to be proclaimed in Alabama, her citizens imprisoned and despoiled because an honest and impartial jury shall render a verdict of acquittal when the evidence in their consciences and deliberate judgments is not sufficient to convict? To Alabama is 'weal or woe'—are Alabama's liberties dependent upon so slender a thread? If such is the mean-

ing of this language of Mr. Southworth's (and he speaks for the Government), then I tell him for an Alabama jury that he has mistaken his men. I tell him that an Alabama jury will not be frightened into a verdict against the weight of evidence, by any fear of consequences to themselves, or fear of consequences to the people of Alabama! An Alabama jury will discharge their duty to the prisoners at the bar and their duty to the country, and let God take care of the consequences! For myself, I must express my utmost horror of such a sentiment. What! Has it come to this, that, in the Christian year of 1872, in a Government of law, justice, and peace, the liberty, the 'weal or woe' of a great commonwealth is dependent on the verdict of twelve men? Has it come to this, that the verdict of an independent jury is to be influenced not by the evidence by which they are sworn to try the cause, but by the threats of United States Attorneys? Gentlemen, for myself I should say that if such 'woe' shall come to Alabama as a consequence of the discharge of your solemn duty, come weal, come woe, I would discharge my duty, unswerved by influence and unawed by power, so help me God! If Alabama's liberty is to be destroyed by the rendition of a verdict of *not guilty* in this case, I should reply in the indignant tones of the spirit of the old ship Ironsides (famous in revolutionary memory), when 'the harpies of the shore' sought to mar the sacredness of her shattered hulk. In the language of New England's greatest poet, I should say:

"Oh, better that her shattered hulk  
Should sink beneath the waves;  
Her thunders shook the mighty deep,  
And there should be her grave!  
Nail to the mast her holy flag,  
Set every threadbare sail,  
And give her to the God of storms,  
The lightning and the gale!"

The case resulted in a mistrial, nine of the jurors being for acquittal and three for conviction. In the Presidential campaign of 1872, Governor Watts was zealous in his support of Horace Greeley, and made speeches in his be-

half all over the State. On one of these occasions he spoke as follows :

“When the news of Lee’s surrender at Appomattox flashed along the telegraphic wires and was heard in New York—when the sound of the booming cannon of the contending hosts was still echoing in the valleys and mountains of the South ; when the victors’ shouts, and the wails of the vanquished had ceased to vibrate, Horace Greeley, on the 10th of April, 1865—the day after Lee’s surrender—announced himself, in his *Tribune*, in favor of universal amnesty, universal peace, and a restored Union of co-equal and harmonious States.

“In this announcement he proved himself to be a Statesman of far-seeing ken, the political philosopher, and the friend of peace. And he stands before the American people to-day as the candidate of peace. We have had war enough : let us have peace—peace here in Alabama ; peace between the severed sections of our Union ; peace with all mankind. General Grant may have been a great soldier ; he may be as great a soldier now ; but the war has ceased for seven years, and we do not need a soldier now to conduct the affairs of our government. We all know by our past experience—the history of the world teaches—that, in war, laws and constitutions are silent. As the passions engendered by war, and especially by civil war, sweep like whirlwinds over the judgments of men and sometimes make them forget the commonest instincts of humanity, the landmarks of *liberty* are swept away like the chaff before the wind ; written constitutions present no barriers to the wildness of warlike passions. We have had our experience of the evil effects of war ; we are tired of war ; we are tired of the effects of war. We may still mourn over the death of our lost heroes ; we may still mingle our tears with those of the widow and orphan ; we may still deck with flowers the graves of our noble dead. But our hearts long for the cessation of strife—long for the calmness and quietude of peace. Solomon says there is a time for all things. The time ‘to hate’ is past ; the time to love has come—the time for harmony

has come ! The time to restore to their places the broken pillars of our Republican Government has come. The time to restore the broken fragments of a once glorious Union has come ! The time to restore our broken fortunes has come ! The time for Southern prosperity has come ! And the time to restore in our hearts a real love for the Union has come ! How can the people of the United States do this ? By electing to the chief place in our political synagogue the man whose whole life is a living poem of peace, big-hearted love of man, liberty and fraternity.”

The memorable campaign of 1874, in which the Democratic party, for the first time since the war, obtained control of the State Government, was an era in the political history of Alabama. Many years of tyrannous and profligate carpet-bag rule—of injustice and oppression—of spoliation and plunder, had welded together all the reputable elements in the State to unite in one supreme effort to rescue Alabama from hopeless degradation and utter ruin. The masses were thoroughly aroused, and a stern determination possessed every lover of liberty to throw off once and forever the hateful yoke of ignorance and corruption, forced upon the State by the Reconstruction Acts of a partisan Congress. Governor Watts, like every other influential member of the Democratic party, was untiring in his exertions to this end, addressing meetings day after day in all parts of the State wherever his influence and strong personal popularity could be most effectively utilized. The Republicans, with the whole Federal machinery of troops, spies and informers at their back, were frantic in their appeals to the prejudices of the ignorant negroes ; but all was unavailing, and the most tremendous party contest that ever occurred in Alabama resulted in the complete discomfiture of the party of fraud and oppression, and the final overthrow of carpet-bag and negro rule. In March, 1876, his former partner, Thomas J. Judge, then Associate Justice of the Supreme Court of Alabama, died, and at a meeting of the Bar of Montgomery, held at the court-house, March 6th, a committee, consisting of John



W. A. Stanford, Thomas H. Watts and David Clopton, drafted resolutions expressive of the grief of the Bar at his death. On March 8th the resolutions were presented to the Supreme Court by the Attorney-General, John W. A. Stanford, and spread on the minutes of the Court. Governor Watts, addressing the Court, said :

“I cannot permit this mournful occasion to pass by without my tribute to the memory of my departed friend. I have known Thomas J. Judge for more than forty years. I knew him when he and I were both boys. He was my senior in age and in professional life. But what difference do three or four years make when we approach the confines of sixty? When he and I commenced our professional life we lived in adjoining counties and we practised in the same courts. I frequently served with him in the Legislature whilst he was a resident of Lowndes and I a citizen of Butler, and also after we became citizens of Montgomery. In 1850 he became my law-partner, and from that time until 1865—fourteen years—we were thus associated, when the voice of the people placed him on this Bench. Before he became my partner, for ten years, we practised in the same courts and in the same circuits. In this long association the bonds of our friendship were made strong and firm. And I feel to-day as if part of myself had been placed in the grave. I mourn him not only as a citizen of this Commonwealth sorrowing for a great calamity; I mourn him not merely as a member of a profession he adorned in life, but I mingle my tears with those who weep for him as a friend. Thomas J. Judge was no common man. Nature had stamped him in physical proportions and in mental stature as one of her noblest works. His boyhood was spent in the forests. He had but little school education in his boyhood or manhood. Raised in the lap of poverty, and with no wealthy or influential friends to help and encourage, he carved his own way to fortune and fame. The printer-boy in his teens; in early manhood's hour, amid toils and difficulties, he marked out his course of life, and with steady step pursued it. But notwithstanding his

want of early advantages, those advantages which wealth and adventitious circumstances afford, by the native vigor of his mind and the power of perseverance, he attained an eminence in his profession and in the affections of the people which proclaimed him a master workman. Blessed with a good memory and with a noble ambition to excel, difficulties great to others were small to him. In his intercourse with men and in his professional career, he showed himself a proficient in physical and mental science; and he culled his illustrations from the whole domain of knowledge. In his early professional life he developed qualities which made him pre-eminent. A remarkable quickness of perception coupled with the rare power of analysis, enabled him, as if by intuition, frequently to arrive at a conclusion from a mass of complicated facts and involved legal principles and announce instantly the truth of the matter without any apparent effort. It was this power which made him the powerful advocate, the successful lawyer and profound jurist. These two great faculties made him a man among men. No man was ever a great lawyer, or a great statesman, who possessed not the power of distinguishing one thing from another. The power to separate any subject into its component parts, to classify and arrange them, and compare each part with the other and with the whole combined, and to measure with exactness the length, breadth and depth of each, was a distinguishing characteristic of his mind. His style of speaking was the result of his quickness of perception and his logical power of analysis. His style at the Bar was terse, compact and incisive, striking at the strong points in his case, and presenting them with such simplicity of language and in such bold relief as rarely failed to convince courts and juries. And so solid and compact was his argument that it appalled the most astute opponent. Though capable of doing much work in a short time, he was not a laborious man in the common acceptance of the term. He frequently accomplished in a day what many able men would fail to accomplish in a week. In all my experience at the Bar I have never

met with one who was his equal in the rapidity with which he eviscerated the truth from a mass of complicated facts. He was a lover of truth for truth's sake. And the love of truth coupled with his great endowments rendered him a safe counsellor, a wise legislator, and a profound and upright judge.

“His knowledge of the law was accurate, extensive and deep. He dealt not so much with cases as with the logic of their principles; and his opinions, while on the bench, gave evidence of patient investigation, and are models of conciseness, clearness and logical acumen. They will constitute his best eulogy as a jurist. In ancient times, one of the marks which distinguished a savage from a civilized people was the homage each paid to its honored dead. In the one the hero whose physical prowess excited the praise and admiration of his fellows was worshipped as a god, and now adorns the pages of heathen mythology. In the other the granite monument, the brazen column, the speaking marble, perpetuated the memory of the warrior, the statesman, the philosopher, and the poet. In more modern times ‘the art preservative of all arts’ in history and song portrays the valor of the warrior, the virtues of the statesman, the renown of the orator; and the rays of heaven’s sun in the grasp of the philosopher and the chemist photograph, for all coming time, the living features of the ‘human face divine,’ and still the mellow light of poesy gilds with its effulgence the sod which covers the mighty dead. To-day we gather the ashes of our dead and enshrine them in memory’s urn, there to remain till monuments crumble and worlds decay. This feeling—reverence for the dead—which pervades alike the breast of the civilized and the savage, prompts us to-day. When we look around this hall dedicated to justice and see it draped in the habiliments of sorrow, we pause involuntarily in the midst of our business, and ask, Who of our great ones has fallen? The answer, in slow and solemn tones, like funeral marches,’ comes to us: ‘*Thomas J. Judge, an Associate Justice of this Court, has left his seat here and has gone to the High Chancery of Heaven.*’ His voice (so

often heard from the spot where I now stand) by the fiat of Almighty God is hushed, and hushed forever in all earthly courts. And yet the fate which ends his career on earth comes sooner or later to us all! Death, with equal footsteps, treads the kingly hall and the peasant’s cot! The rich and the poor, the high and the low, stand on common ground at Death’s approach! The pomp and pride of life find no exemption from Nature’s lot! When we call to mind ‘what shadows we are and what shadows we pursue,’ we know but too well that the time rapidly approaches when each of us in this presence shall pass through the valley of the shadow of death. In that fearful hour, when heart and flesh shall fail us, may each of us be able to say, ‘Oh, Lord, thy rod and thy staff, they comfort me.’”

On the Fourth of July, 1876—the centennial anniversary of American Independence—the citizens of Montgomery celebrated, for the first time since 1860, the Nation’s birthday. It was conceived to be a peculiarly appropriate occasion to revive the annual celebration of that day which had fallen into disuse since the commencement of the war between the States. Governor Watts was requested by the citizens and Town Council of Montgomery to deliver the oration, and an immense audience was collected in Court Square to listen to the proceedings. One of the oldest citizens in Montgomery, Neil Blue, then over eighty years of age, was selected to read the Declaration of Independence, and although somewhat feeble, read the immortal words with great distinctness. Governor Watts, whose ringing voice was heard in every corner of the large square, said:

“*Ladies and Fellow-Citizens*:—One hundred years ago this day, a body of patriots, delegates from thirteen separate yet united colonies, in solemn Congress assembled, proclaimed the immortal truths just read in your hearing. These colonies were established by Great Britain, and for years they had been under the government of Great Britain. They had their Legislative Assemblies, and had been accustomed, under charters from the British Crown, to exercise the

powers of local self-government. But as these colonies grew in population and wealth, the British Parliament, in an evil hour, assumed the authority to legislate for them in all cases whatsoever, denying the right to the people of representation in legislative assemblies. This usurpation, so inconsistent with the spirit of English freedom, aroused the spirit of independence in America. A series of unjust and oppressive measures towards this country, by the Crown and Parliament, created a spirit of intense indignation and determined resistance, and thus fostered that spirit of independence which freed the colonies from British tyranny and established American freedom. In terse, eloquent and ever-living words, the causes which led to this great event are set forth in the Declaration of Independence. The great truth in it, around which all others centre, is the right of every free people to make laws for the government of themselves, and that no government can be a just or good government which is not based on the consent of the governed. The right of the people to be heard, and to act through their representatives in the making of all laws, 'is a right inestimable to them and formidable to tyrants only.' The fundamental idea of this declaration of independence, and of the government built thereon, is that this is a government of the people; made by and for the people; to be administered by the people through their agents, and for the good of the people; protecting them in 'the enjoyment of life, liberty and the pursuit of happiness.' Knowing that in all times men are more or less influenced by passion, and that in moments of passion, unless restrained by some power superior to passion, they are swerved from the paths of right and justice by the promptings of passion, our forefathers had the wisdom to provide fundamental laws, embodied in written constitutions, intended mainly to restrain themselves against themselves. They thereby appealed from Philip drunk to Philip sober—from a people drunk with passion, to a people sobered by reason. Hence these written constitutions contained the great principles of free government, which neither the rulers nor

the ruled—neither the officers nor the people—can set aside or amend except in the modes which the people, the great source of all political power, have prescribed. The written constitution which the people of the several States made for their general government, binding alike on themselves and their agents, was to stand in time of war and in times of peace as a mighty rock, against which the waves of popular commotion and the storms of war should harmless fall. The old Roman maxim, *inter arma silent leges*, can never properly apply to Republican government, established on and governed by written constitutions.

“ Before the Fourth of July, 1776, the colonies had been separate and independent peoples in all that appertained to their domestic affairs; and they were united only for common defence against common danger. So they remained separate and independent States, when this Declaration of Independence was made good at the point of the sword. The articles of Confederation made during the progress of the Revolutionary war carefully preserved this separation and independence. So that when, after their independence of Great Britain was acknowledged by the British Parliament, and the United States became a nation amongst nations, these separate and independent States not only made their separate and independent State constitutions each for itself, but all united made a common constitution through their separate delegates in convention assembled. This common constitution, now known as the Federal Constitution, was submitted separately to each of these separate and independent States for voluntary ratification or rejection. So that, when each of these States had adopted this common constitution, it thereby became the Constitution of each one of these States, the supreme law of the land, as firmly binding on the people thereof as were the respective State constitutions on the separate people of each State. The original thirteen States thus became one nation for intercourse with foreign powers; one nation for foreign commerce and commerce between the several States; one nation for common de-

fence and for the preservation of the liberties of each and all; but they were and are separate and independent of each other and of the Federal Government, in all their domestic and home affairs. 'Distinct as the billows—one as the sea.' One of the great principles of this Declaration of Independence and of the government founded thereon, is that those whom the people select to represent them in the different departments of government are the agents and servants of the people; and the offices these agents and servants fill are not their private property, but they are great public trusts to be executed with an eye single to the good of the great body of the people. These offices are not property to be bought and sold, and their emoluments, privileges and influences are not to be used to corrupt and debauch the virtue and integrity of the people. But they are the instrumentalities through which liberty is to be protected and preserved, prosperity promoted, and general tranquillity and happiness accomplished. This idea of offices being property, sprang from countries where kings and lords ruled by 'divine right,' and where offices were transmitted from father to son, like lands and chattels. You will permit me, fellow-citizens, to remark, without any allusion to mere party politics, that one of the saddest and most portentous evils of our times is the prevalence of the idea, that the public offices are the property of the persons holding them. From such perverted notions spring corruption of officers, corruption of public virtue and a demoralized people. The common expression, when applied to the offices of government, that 'to victors belong the spoils,' is a perversion of the theory of our Republican government, and its practice is destructive of the ends of all good government. Offices are not 'spoils' in a Republican government. The expression itself sprang from the corruptest times of old Rome, and it is but a translation of one sentence uttered by Cataline to his conspirators. Such a sentiment should receive no countenance in a Christian land, in a Republican government in the nineteenth century, and especially should it

be denounced on the one hundredth anniversary of our national independence, when the purity of our patriot fathers is to be commended to the love and admiration of our people.

"Another of the grand truths announced in this Declaration of Independence is that all men are created equal in political rights. In the formation of governments and in the administration of governmental powers, this equality becomes inequality only by differences of intellectual power, and of public and private virtue. And from this equality of political rights springs that principle of religious freedom which is the peculiar privilege and glory of the American people. Each man here has the right, unmolested by princes, powers or potentates, to worship God according to the dictates of his own conscience. Our government establishes no religion and fosters none, whilst all are protected by the broad ægis of constitutional liberty. Freedom of religion, freedom of the press, and freedom of the people, to petition for redress of all grievances, the right of trial by jury, and the writ of habeas corpus, are watchwords of our Republican faith. To understand properly and to appreciate rightly, the grand results which have sprung from the establishment of such a government on such a Declaration of Independence, we must turn our eyes and through the light of history look back to one hundred years ago. Then the thirteen States, on the map of the world, occupied a narrow strip of land on the margin of the Atlantic. They stretched from the northern boundary of New Hampshire to the southern boundary of Georgia. But three millions of people then lived in these States. And these three millions of people, thus scattered from the rock-bound coasts of New Hampshire to the green savannahs of Georgia, with more than a thousand miles of unprotected sea-coast, in the God given strength of liberty, bearded the British lion in his den, and through long years of toil, and of peril, and of suffering, they won a glorious triumph, and established for themselves and their posterity, a government, which for a hundred years, has challenged the admiration of the

lovers of liberty throughout the civilized world.

“We then had an East, a North, and a South, but no West. The West, from the mountains of Virginia to the coast of the Pacific, was an unbroken forest—trees, and rock, and rivers, and lakes—unseen by civilized man. From Georgia to Philadelphia, and from New Hampshire to Philadelphia, the seat of government, the Delegates of the Continental Congress travelled on horseback. The railroads which sprang into existence from the application of the expansive power of steam as a motive power, and which now by iron bands connect all parts of our country, were then unknown. A sparse and mainly agricultural people, with few wants, and those supplied by the productions of the soil, occupied the States. Commerce, manufactures and the arts, which now constitute the wealth and pride of the land, were little known to our forefathers. But, under the benign influence of our free institutions, they have become the controlling elements of the power and progress of our country. Within these one hundred years the thirteen States of revolutionary times have swelled to thirty-seven separate and independent States, and the three millions of population have increased to forty millions. The forests, the rocks, the rivers and the lakes, which constituted our West in revolutionary times, have become the homes of civilized men, and twenty-four States have been added to our National family, with rights and privileges on an equal footing with the original thirteen. The great wave of population has extended from the shores of the Atlantic, across mountains, lakes and rivers, to the shores of the Pacific—from sunrise to sunset. And now these thirty-seven States and forty millions of people—under the same Constitution and Union, speaking the same language, under the same propitious bend of the heavens, worshipping the same God—with one heart, and with one destiny, are to-day paying tribute to the valor and wisdom of our patriot fathers, and shouting hosannah to the benefactors of mankind. Voices from the North, from the East, from the South, and from

the new-born West, unite to-day, 1876, in one grand National chorus of praise to the heroes and statesmen, the patriots and philosophers of 1776. In Independence Hall, one hundred years ago, Richard Henry Lee, a Southern man, first proposed in Continental Congress, resolutions declaring that the thirteen Colonies ‘are of right, and ought to be, free and independent States.’ John Adams, a son of the North, seconded these resolutions. Thomas Jefferson, a son of the South, wrote the immortal Declaration of Independence; John Hancock, a son of the North, the presiding officer of the Congress, first signed his name to that document, which pledged the lives, the fortunes, and the sacred honor of its signers for its support. On this day fifty years ago Thomas Jefferson, the author of the Declaration, and John Adams, ‘the Colossus’ of its support on the floor of the Continental Congress, both died, and together took their flight to the land of spirits. Providence vouchsafed to them no common boon in not only permitting them to live to see the consummation of their great work, but in permitting each in his turn, the one as the successor of the other, to enjoy the high privilege of being the Chief Magistrate of that government their joint labors established. In youth each labored for the rights of the Colonies; in manhood they stood shoulder to shoulder in the Continental Congress and pledged ‘their lives, their fortunes, and their sacred honor’ to maintain the liberties of America, and in death, when all their labors were over, they were not parted, but together they appeared before the High Chancery of Heaven. May we not suppose that holy lips uttered, and heavenly courts echoed the welcome plaudit, ‘Well done, good and faithful servants.’ Another one of the signers of the Declaration, Benjamin Franklin, though born in Massachusetts a delegate from Pennsylvania in the Continental Congress, cannot be assigned to any clime or country. He belongs to universal mankind. He snatched the live thunder from the clouds of heaven, and with his key and kite tamed it, and made it subservient to the purposes of man. And now by the power of science

this 'live thunder' is driven all over our and other lands, on railroad highways; and along iron cables it flashes from continent to continent, and makes the civilized world one universal brotherhood. By its means, the man on the golden shores of California speaks face to face, as it were, to his friend in New York! The man in Boston talks familiarly with his friend in Liverpool, and Europe, Asia and America hold daily converse together! The wonders achieved within these hundred years, through the developments of physical science, enable us to rival, if not surpass apparently, one of the miracles of Holy Writ. We are told that Joshua commanded the sun to stand still, and the sun stood still until the battle was fought and the victory won. But witness the miracle which electricity works for us. What is done to-day in Liverpool up to 2 o'clock P. M. is known here in Montgomery at 10 o'clock A. M. of to-day! Not only seemingly the sun has stood still; but the great clock of Old Time has seemed to turn back its ponderous wheels four hours! Wonderful power of prophecy which, through Franklin's 'live thunder,' thus enables us, at 10 o'clock this morning, to know and to tell what transpires at Liverpool this evening.

"On the Fourth of July a hundred years ago, South Carolina united her voice with that of New Hampshire, and the whole thirteen States, all of the East, all of the North, and all of the then South, united their voices in proclaiming independence; and thus mingled their blood on many a hard-fought field in maintaining it. George Washington, a son of the South, the chief military commander of the whole, marched through a wilderness of dangers to crown his grand triumph at Yorktown. And he, by the voice of mankind, was the 'first in war, the first in peace, and the first in the hearts of his countrymen.' In the Convention of States of 1787, the men of the North, the East, the West, and the South united in framing the 'magna charta' of our liberty and Union! The Fourth of July is, therefore, by all the sacred memories of the past; by the remembrances of common suffering and common dangers; and by the common

hopes of a brighter future, our Fourth of July; the Declaration of Independence. The Constitution is our Constitution, and the Union, the child of the Constitution, is our Union! And we can utter with sincere hearts the words of the great Webster, 'Union and liberty now and forever, one and inseparable!' In former days on the Fourth of July the hoarse voice of party was still. We made it our national holiday. The trials, the triumphs, and the glories of our common ancestry were the themes of our discourse, and thousands of tongues grew eloquent over the valor of our Revolutionary soldiers and the wisdom of our Revolutionary fathers. If, in the bitterness of party strife, ought had been said to offend, on the Fourth of July that 'charity which thinketh no evil' covered with its broad mantle of forgiveness the wrongs of the past. It is true, that, for the last fifteen years, the Fourth of July has not been commemorated as of yore in the South. We seemed to have forgotten the prophetic words of John Adams, written in July, 1776, that it (the day) 'ought to be commemorated as the day of deliverance, by solemn act of devotion to Almighty God, from one end of this continent to the other, from this time forward forever more.' It was the late contest between the two great sections of the Union, begun in 1861 and ended in 1865, which suspended our celebration of the Fourth of July. This contest has been greatly misunderstood in the North, and even amongst our own people. It never was the purpose of the South, in commencing that fearful contest, to destroy the principles of free government embodied in the Constitution of the United States. Quite the reverse was the purpose. It was not to destroy, but to preserve this great charter of liberty from what was supposed to be an attack on some of its vital principles that the South commenced that contest. The Constitution which the Confederate States made for their own government, and which they struggled to maintain for four long years, shows that the South was not the less a lover of liberty because she sought to separate from the North. But the contest was ended by the overthrow of the Con-

federate cause and power ; and we of the South, I trust, with becoming fortitude and dignity, have acquiesced in the results of that contest. And whilst we may have thought that harsh treatment has been extended to us, in the eleven years of peace, since the war ended ; still now, that the strife and din of war are hushed, and the exacerbations engendered have, by the mellowing influences of time, ceased to agitate our bosoms, we are and have been ready to renew our faith to the Constitution, and to the Union which is the offspring of the Constitution. This is the centennial year of our national independence. Let it be as well our national jubilee. If any one complains of us for the past few years, let him remember, that when the storm on the ocean arises, shuts out the sunlight of heaven and covers with its blackness the whole horizon, moved by the wind the billows ride mountain high on the surface of the sea and with fury lash the shore. The storm may end ; the clouds which darkened the sky may all be gone ; the wind's hollow sound may be silent ; the sunshine, in all its beauty and magnificence, may reappear ; and yet for hours, may be for days, the waves, the children of the storm, may still lash the shore. Here in the city of Montgomery, where the Confederate States were born, and where their President was inaugurated, amid the booming of cannon and the shouts of the excited populace—Confederate cannon, before the rising of the morning sun, salute the one hundredth anniversary of American Independence. And now, if it is permitted by Providence for the spirits of the great and good to revisit the earth, the scene of their former strifes and glories, we may fondly suppose that on this day the spirits of our Revolutionary fathers are hovering over us. And right here in their presence, and in the presence of the Heavenly Host, may the God of Nations forgive all our national and individual sins. Indulge me one moment longer, fellow-citizens. Imagine that some one of us—it may be some bright-eyed boy—could witness our next centennial anniversary ; the celebration of the Fourth of July, 1976. What a spectacle would ravish

his sight ! The beatific vision of St. John on the Isle of Patmos was scarcely more enrapturing than this spectacle would be !

“ If our people be true to the Constitution ; if good will and internal peace prevail ; if science continue its giant stride ; if God be our God, and we be His people ; judging the future by the past, the States composing the American Union will be multiplied to one hundred States ; the population will be increased from forty to four hundred millions ; our territory will extend to the Isthmus of Panama from the frozen lakes of the North ; railroads, like a net-work, will connect all parts of this vast country, and intelligence will flash along innumerable telegraphic wires from State to State, from city to city, and from village to village ! The school-house and the church will adorn every hill and beautify every valley ! And these four hundred millions of people from one hundred free, separate, independent and co-equal States, protected by the same Federal Constitution, speaking the same language, worshipping the same God, will unite their voices in anthems of praise and adoration to the Ruler of the Universe, and of gratitude to the patriots of two hundred years ago, for the blessings of American freedom. And then when one hundred stars shall be emblazoned on our national flag, these four hundred millions of people may turn, as we to-day turn, and apostrophise that flag as the ensign of a great Confederate Republic.

“ When Freedom, from her mountain height,  
Unfurled her banner to the air,  
She tore the azure robe of Night,  
And set those stars of glory there !  
Flag of the free heart's only home !  
By angel hands to valor given !  
Thy stars have lit the welkin dome,  
And all thy hues were born in Heaven !  
Forever float that standard sheet !  
Breathes there a foe who dare oppose us,  
With Freedom's soil beneath our feet,  
And Freedom's banner streaming o'er us ? ”

In the Presidential campaign of 1876, Governor Watts took an active part in canvassing the State for Tilden and Hendricks. Soon after the election, prosecutions were commenced in

the United States Circuit Court against some of the best citizens of Alabama for alleged violations of the election laws of the United States.

In the March following the Inaugural Address of President Hayes made a very favorable impression throughout the South, and there was a general disposition towards harmony between the sections. As these prosecutions were inconsistent with the sentiments uttered by President Hayes, some of the friends of Governor Watts suggested to him that a favorable opportunity presented itself to endeavor to obtain from the Attorney-General a discontinuance of these prosecutions, most of which were frivolous and without foundation in fact. Governor Watts accordingly addressed a letter to Hon. Charles Devens, the Attorney-General of the United States, on the subject, and the following correspondence ensued:

"MONTGOMERY, ALA.  
April 26th, 1877.

"HON. CHARLES DEVENS, *Att'y-Gen'l, U. S.:*

"DEAR SIR:—I have been profoundly impressed with the wisdom manifested by President Hayes in his Inaugural Address. This impression thus produced has been deepened by his conduct since towards the South. His policy is eminently wise, and is based on the highest sense of duty to the Constitution; and it seems prompted by the foresight of a statesman, whose glory is to witness the cordial union and harmony of all sections of a country, governed by common laws and speaking a common language. Divided as the North and the South have been in the past, agitated with that bitterness of feeling always engendered by internal war, it is now peculiarly soothing to the weaker section to know that through the promptings and policy of the President, the North, for the future, is to grasp hands with the South; and the only differences henceforth shall spring from rival exertions of each section to promote the common weal of the country. If I rightly interpret these acts and announcements of President Hayes, one other act is needed to crown the good work already begun. There are many prosecutions in the Circuit Court of the United States, commenced in height of party excitement just after the last Presidential election, which ought, perhaps, never to have been started, and which now it would be wise to discontinue. These prosecutions are based on alleged violation of the elec-

tion laws of the United States. Many of them are frivolous—some for mere nominal violations of law—and many are wholly unfounded in truth, based on the prejudices born of defeat. These prosecutions, for the most part, are against the best citizens—men loyal to constitutional government and to the best interests of society.

"Now I suggest as an act of grace, in keeping with the policy of the President, to have these prosecutions discontinued. Nothing, in my judgment, would tend more to foster that spirit of harmony and good will essential to the happiness of *our* people, than to blot out these unpleasant reminiscences of the past. The spirit of this great people, as evidenced by the words and conduct of the President, will not tolerate henceforth any policy 'based on the hates of the past' to the exclusion of the hopes of the future! It will rejoice the heart of every good man to see hereafter that the 'scarlet shirt has been folded up and laid away in some secluded spot, with no headstone to mark the place of its eternal rest.'

"In thus addressing you, I believe I but reflect the sentiments of every good man in the State of Alabama.

"I have the honor to be, very respectfully,

"Your obedient servant,

"T. H. WATTS."

"DEPARTMENT OF JUSTICE, WASHINGTON,  
May 2d, 1877.

"T. H. WATTS, ESQ., *Montgomery, Ala.:*

"SIR:—I have received your letter of the 26th ultimo, in which you request that an order be issued by this department for the dismissal of indictments now pending in Alabama, for violations of the United States Statutes relating to elections. The Attorney-General, as chief law-officer of the Government, is bound to see that all laws defining offences and prescribing punishments therefor are fully and faithfully enforced; he cannot assume to exercise the pardoning power, and by general order dismiss prosecutions for violations of this or that criminal statute. To this rule the laws for the protection of the elective franchise form no exception; and while they should not be administered in a severe or vindictive spirit, neither should their purposes be thwarted. The United States Attorneys will be instructed to prosecute only important cases where the guilt is clear and the evidence overwhelming, and in such prosecutions to act without bias in favor of or against any political party. I am sure you will agree with me that it is vital to a Republican government depending upon the free suffrages of the



people, that the elective franchise should be kept pure, and it would seem that the legislation to this end should have a fair trial. In my endeavors in this direction I earnestly hope for your assistance and cordial co-operation.

“Very respectfully,

“CHARLES DEVENS, Attorney-General.”

“MONTGOMERY, ALA., *May 5th*, 1877.

“HON. CHARLES DEVENS:

“**STR:**—I have your letter of the 2d inst. in reply to mine of the 26th ult. You are mistaken in supposing that I made any request that an order should be issued by the Department of Justice for the dismissal of indictments now pending in Alabama for violation of the United States Statutes relating to elections. I simply made a *suggestion* that the discontinuance of frivolous prosecutions, or such as were based on mere nominal violation of the election laws and those wholly unfounded in truth, would be wise and consistent with the policy of the President, as shadowed forth in his inaugural, and in his conduct since towards the South. I know the Attorney-General has no pardoning power, and that the Constitution vests *that* in the President. But the Attorney-General has control of the Department of Justice, and a suggestion from him to the District Attorneys operates with the force of law. I fully agree with you that the purity of the ballot-box is essential to the preservation of public liberty in a Republican Government. But I am sure that the elections for President and members of Congress last year in Alabama were conducted with fairness, and that every man really entitled to vote was permitted to vote as he pleased, by the party to which I belonged. And I feel equally sure that the prosecutions to which I alluded in my letter of the 26th ult. were prompted for the most part by the bitterness of party feelings, excited and intensified by defeat. I had supposed from the sentiments uttered by President Hayes, and by his prompt action in restoring the civil authority in the States to its legitimate supremacy over the military power, that a new era of peace and prosperity was dawning on us. I hence supposed that the oppression of the best citizens by unjust and harassing prosecutions in the United States Courts would receive no countenance from the President, nor from the Department of Justice. Hence I made the suggestion contained in my letter of the 26th ult. This suggestion was prompted solely by my desire to see, in the future, the most cordial good feeling

between parties and sections, prevail throughout the land. I have the honor to be, very respectfully,

“T. H. WATTS.”

At a meeting of the Lee Monument Association, held in the First Baptist Church, Montgomery, February 28th, 1878, Governor Watts delivered the following address:

“We are told in our school-books that, before our Revolutionary war, a hundred years ago, the French, who then owned Canada, and the English, who owned the United Colonies, had a war. There had existed for centuries a hatred between the French and English peoples—a hatred transmitted from father to son. In the war of which I now speak the last hope of the French hung on maintaining the heights of Quebec, a position deemed impregnable. The hope of English success depended upon taking Quebec Heights. Gallant troops defended and gallant troops attacked these heights. With a daring unsurpassed in history, Wolfe, the English commander, at the head of his braves, ascended these heights, and there triumphed over the French. At the moment of victory to the English and of defeat to the French, Montcalm, the French commander, received a mortal wound; about the same moment Wolfe, the English commander, received a mortal wound; each fell near his foe. A shout from the soldiers is heard—‘They fly.’ These words caught the ear of each dying hero! Wolfe asked, ‘Who fly?’ The answer came: ‘The Frenchmen fly.’ ‘Then I die contented,’ were the dying words of Wolfe. ‘Then it were best that I should die,’ were the last words of Montcalm. Together the spirits of these heroes winged their upward flight to the presence of their God! Side by side, in the spirit land, on ‘Fame’s eternal camping-ground,’ the tents of Wolfe and Montcalm were erected, and the sunlight of Heaven’s mercy illumined both.

“Years after, when the hatreds engendered by war had been buried in the grave which time makes, the conquerors of Canada erected on the heights of Quebec a monument to perpetuate the deeds there enacted. A granite column, with its base on Quebec’s heights and its sum-

mit so high it catches the first beams of morning light, stands there to-day; a monument not only to English courage, but to French courage too, and to English greatness. On the southern face of this column are carved the dying words of Wolfe! On its northern face are carved the last words of Montcalm. Who can read this page in the history of a great nation without involuntarily pausing? What courage in battle! What moderation in victory! What homage to a fallen foe! What grandeur of soul is here displayed in the Anglo-Saxon character? We feel our bosoms swell with pride, not alone because we are the children of this great race—speaking the same language, with a kindred love of liberty—but with admiration that our English ancestors should so rise above the ties of kindred and of country as to pay tribute to the virtues of a foe! The monument, which heralds the heroism of Montcalm, perpetuates the heroism of Wolfe, and the magnanimity of Great Britain. Why are such monuments erected? Not so much to preserve the fame of those to whose memory they are built, as to perpetuate the emotions of a grateful people; the love they bear to some great virtue, or the homage they show for some boon to mankind! The pen of the poet or of the historian, through ‘the art preservative of all arts,’ now fixes for all coming time, the prowess of the soldier, and the fame of the philosopher and statesman. But the emotions of the heart cannot be photographed—the marble and the granite must represent them to after generations. Why then should not the people of the South, yea, the people of the North as well, build a monument to Robert E. Lee? His maiden sword was unsheathed under the flag of the Union, in the cause of the Union, on the plains of Mexico. But his deeds in the cause of the South placed him side by side with the world’s great warriors and heroes! He was not great only on the battle-field: he was great in the magnitude of his conceptions, great in the power of his performance; great when crowned with victory, but great even in defeat. Immediately after the battle of Gettysburg, the cause of Lee’s defeat was attributed, by some of

the fault-finding spirits, to some of the subordinate commanders. Lee at once rebuked the complaint and said, ‘It was my fault.’ ‘It was my fault.’ There are some points of his character best illustrated by the relation of incidents. Whilst General Custis Lee, the son, was at college, General Lee wrote him a letter, which shows, perhaps, the grandest trait in his character. He enjoined upon his son that the noblest word in the English language was ‘Duty’—the performance of duty—duty in civil life, duty to country, and duty to God. On the outbreak of the recent unfortunate war between the States, and when the United States authorities undertook to coerce the States South into obedience to what they believed the obligations of the States to the Constitution, Virginia seceded. General Lee at once determined to resign his commission as one of the oldest Colonels in the United States service. He made known his intentions to General Scott, under whom he had served in Mexico. General Scott attempted to dissuade him from his purpose. He was offered by President Lincoln, as an inducement to remain, one of the chief commands in the forces of the Union. Lee promptly declined the offer, so flattering to his ability as a commander. Why did he refuse it? Virginia, his mother, had cast her fortunes with her sisters of the South; and the sword of Lee could never be drawn against the land of his birth. Duty to her made him refuse all the glittering honors which wealth and power could command. I will not speak of his deeds in defence of Virginia and the South for four long years. The world has seen them, and history has recorded them. One incident known to myself I will relate, because it shows the man in the midst of his duties in camp. A few days after the seven days’ fight around Richmond, an order was issued from the head-quarters, in the city, that no person should have a permit to go within General Lee’s lines, unless he had a wounded son within the lines. An old friend of mine, known to some persons present, visited Richmond to look after the comfort of his sons, then in the Virginia army. He resided in Wilcox county, Ala., and his name was Enoch

Cook. At the commencement of the war he had nine sons able to do service in the army. Five of them joined the army of the Confederate States in Virginia, and three joined the western army, and the ninth son remained at home to protect the family. Mr. Cook himself, though considerably over fifty years old, went as a private soldier to Virginia, and served there for twelve months. One of these sons was killed at Seven Pines. At the time of the seven days' fight, four of his sons were still in the army there. One was wounded in that fight, and he was in the hospital at Richmond, and one was sick within General Lee's lines. Under these circumstances he called on me at my office in Richmond, and asked for a letter to General Lee. I gave him one, in which I stated the particulars I have just named, and I added, in conclusion of the letter, that Mr. Cook should, in my judgment, be considered an honorary member of the Virginia army.

"With this letter Mr. Cook passed sentinel after sentinel, and reached General Lee's headquarters. He found General Lee in his tent, dressed in citizen's garb, busily engaged in writing. General Lee invited him to take a seat, and said that he would attend to him as soon as the business was through. When through with the writing, he approached Mr. Cook, and with that kindness of tone which was his nature, he asked, 'What can I do for you?' Mr. Cook handed him the letter. He read the letter through, and promptly said, 'Mr. Cook, I want to shake your hand. I am proud to shake the hand of such a man. I agree with Judge Watts; you ought to be an honorary member of my army, and you shall be.' And he wrote on the back of that letter, and handed it to Mr. Cook, the following words: 'Mr. Enoch Cook, the bearer of this letter, has a right to go whenever and wherever he pleases, within my lines.' Signed, Robert E. Lee. When the war was over; when the last Confederate gun was fixed; when the last Confederate flag had been lowered; when the soldiers of the South had succumbed to the power of numbers, and awaited in calm dignity their fate at the hands of the victors; the first

word upon General Lee's lips to those who had followed him in triumph and in defeat was, 'Duty,' the 'duty' of obedience to the 'powers that be.' With his property confiscated by the United States authorities, or lost in the perils of the time, at the end of the war he found himself poor in this world's goods; yet he was rich in the affections of his countrymen. The hearts of the whole Southern people yearned towards him. They offered him from their means a munificent donation sufficient to support him and his in comfort and ease. With a modesty and forgetfulness of self, only paralleled by his greatness as a commander, he declined to accept the affectionate offering from his beloved South. He preferred the 'duty' of self-support.

"Now that the war between the States has ceased for thirteen years, and time has somewhat healed the wounds the bloody conflict made, it is meet for Virginia, the mother State, assisted by those who love the memory of her noble son, to build on Capitol Square one other monument to speak to the eye of every passer-by.

"On that Capitol Square in Richmond, there now stands the equestrian statue of her son who, by the verdict of history, 'was first in war, first in peace, and first in the hearts of his countrymen.' Surrounding the pedestal of that statue stand the statues of many of Virginia's noblest sons. There stands Patrick Henry, as he stood in the House of Burgesses, when he uttered the sentiment, 'Give me liberty or give me death!' There stands Thomas Jefferson, with the roll of the Declaration of Independence in his hands, as he stood in the Continental Congress. There stands John Marshall, the companion of Washington, the great Chief Justice of the United States, and there stand others, Virginia's household gods of revolutionary times. From this monument, a few yards distant, stands in the same capitol grounds the statue of another noble son of Virginia, not renowned in war, but wearing the civic crown of peace, the great Henry Clay. There has been added since the war, upon the Capitol Square, another statue of one of Virginia's sons, the great 'Stonewall' Jackson, 'the right arm of the Virginia army,' as

General Lee called him. This statue is the contribution which English admiration pays to American valor. It is fit, eminently fit, that the statue of another son of Virginia should stand in the same Capitol Square to mark the progress of the age, and to show that the love of the great and the good still warms the heart. Let the column be there raised to Robert E. Lee! On one of its faces let there be inscribed words fit to show the love the South bears him, as a man, as a soldier, and as a Christian hero. Let one of its faces, for the present, be left blank. When the time comes, as surely it will come, the North will carve thereon her reverence for the hero who, though a Virginian, and a Confederate warrior, was yet an American, giving undying honor to the Anglo-Saxon race. President Lincoln, who was himself a great and good man, has expressed what will ere long be the prevailing sentiment of every Northern heart. Just after the great battle of Gettysburg, Mr. Lincoln said: 'The men who held the heights will be remembered forever, but the men who charged up the heights will live in history too; and I shall always be proud to remember that they were my countrymen.' On the blank left on the northern face of the Lee monument will be carved a sentiment fulfilling the prophetic vision of Abraham Lincoln: "The red and the white roses have blended their hues in England's glory. Let the blue and the gray be united in a common heritage of American valor." I read, not long since, Mrs. Jamieson's account of a visit to Dannecker, one of Germany's greatest sculptors. She found in his studio a marble statue representing our Saviour. Dannecker had dreamed three nights in succession of seeing the Saviour; and so vividly was impressed on his mind the surpassing loveliness of his features, that whilst the inspiration of the dream was upon him, he made the cast of a statue and placed it in his studio. Whilst it stood there a child of nine years came in, and as soon as he saw it, he pointed to the statue, and in his childish delight exclaimed: 'The Redeemer! the Redeemer!' Let the statue of Robert E. Lee rise in all the grandeur of his physical pro-

portions, and let it be so lifelike in the representation of his qualities of mind and heart, that the stranger passing by, a hundred years hence, will exclaim: 'Behold! Truth! Greatness! Honor!'"

After the congressional election in November, 1878, the United States authorities indicted a considerable number of the State officers superintending the elections in Alabama, for alleged violations of what they termed "Provisions of the State Laws." In the United States *vs.* McGhee and others, one of these cases, Governor Watts appeared for the defence, and demurred to the indictment, claiming that it only charged the violation of a State law, and consequently the offence alleged to have been committed could not be tried in the United States Court. There was no Act of Congress alleged to have been violated, and the United States cannot undertake to punish a citizen for a violation of a law of Alabama. The United States cannot punish a man for counterfeiting the coin of Great Britain or France, nor for violating a statute of Alabama. The United States Courts cannot exercise any common law jurisdiction. This has been the law since the time of Chief Justice Marshall. It is a Court of limited and special jurisdiction, and has no powers except those conferred by the Constitution and statute; and unless an indictment charges that a statute of the United States has been violated, it is *ipso facto* void. It must charge the violation of some Act of Congress to be sound. Congress may adopt *pro hac vice* some law of a State, but unless the indictment distinctly charges that the law violated is a statute of the United States, the United States cannot punish any citizen for its violation. No State officer can be proceeded against criminally by the United States for a violation of a State law. Governor Watts then proceeded to review the powers of the government and the States as exercised under their respective constitutions, and cited the debates in the Convention of 1787, to show that the Federal government could not exercise any power save that especially granted by the Constitution, and in the exercise of the powers thus

granted the States, like the general government, were sovereign in their respective spheres. Thus the United States cannot undertake to punish a citizen for violating a State law, nor can any State punish a citizen for violating the laws of the United States. He then read from 2d Wood's Reports and 24th Howard's Reports, especially referring to the case of the Commonwealth of Kentucky *vs.* Dennison in regard to the particular powers of the government and the States. He mentioned that the defendants were State officers when acting as inspectors of the election; that they were acting solely under a statute law of Alabama, and hence, not having violated any law of the United States, the government cannot undertake to punish them. If the Congress of the United States had adopted the election laws of Alabama, then it became a law of the United States, and was at once abrogated as a law of Alabama. This indictment charges that the defendants violated a law of Alabama, not of the United States. How then can the United States undertake to punish them for violating a State law? They are not charged with violating any law of the United States, and hence they are not amenable to the government, for it can no more undertake to punish a citizen for violating a State law than it could punish a person for counterfeiting the coinage of France. The United States cannot punish a citizen who has not violated some law of the United States. Where has Congress ever adopted the election law of Alabama as a law of the United States? The moment it does so the law ceases to be the law of Alabama and becomes alone the law of the United States. In any aspect of the case, therefore, this indictment is defective and void. If Congress has ever adopted the election law of Alabama, then the indictment should have charged the defendants with violating the law of the United States, whereas it charges them with violating the law of Alabama. If they did violate the law of Alabama then the United States has no jurisdiction, the courts of this State alone being empowered to punish persons for violation of State laws. This argument was pronounced the ablest and most logical ever

delivered in Montgomery, and for strength and symmetry deserves to be ranked with the foremost legal arguments of the time. Previous to this speech the cases were being pressed for trial, but it had the effect of inducing Judge Bruce to continue the cases until the May term of 1879, in order that he might have the benefit of consultation with Judge Joseph P. Bradley, of the United States Supreme Court, and Judge Woods, of the United States Circuit Court.

Governor Watts has occupied the leading position at the Alabama Bar for the past thirty years, and both as an advocate and a lawyer has few equals now and no superiors in the past. His practice is mainly in the Supreme Court of the State, where few important cases are argued without him, and he is retained extensively by other members of the profession in all parts of the State to argue cases for them. Thoroughly proficient in every department of his profession, he has devoted especial attention to constitutional law, in the minute and technical knowledge of which he is not excelled by any lawyer in this country. His speech on the constitutionality of the electoral law before the United States District Court in December, 1878, was a masterpiece of exhaustive reasoning, and in thorough knowledge of the subject far surpassed any speech made in Congress on this important subject. His manner is earnest and forcible, and his terse, vigorous language, strong common sense, and deep sympathy with human nature, enable him to wield an immense power over juries. As an orator he is unrivalled, riveting the attention by his clear logical argument, while charming the ear by his ornate periods and magnificent command of language. A finished Latin and Greek scholar and well read in classical and general literature, his mind is a vast store-house of well-arranged information on every subject to be drawn upon at pleasure. Possessing the inestimable boon of a good memory, cultivation has enabled him so to concentrate his mind on what is passing as to fix indelibly in his memory the *ipsissima verba* used by others, and thus dispense with note-taking, to his great advantage in reply. Con-

scientious and thorough in everything he undertakes, he completely identifies himself with every case in which he is engaged, and is unusually vigilant and adroit in seizing every opening afforded by his opponent. In politics, previous to the war, he was an active and energetic leader of the old line Whig party in Alabama, and always took the lion's share in public speaking. Since the war he has been a Conservative Democrat and has made more important speeches on the vital political questions of the day than any member of that party. He attended the sittings of the Congressional Committee to investigate the conduct of the election in Alabama in 1876, held in Washington, and did good service for his party in exposing the groundlessness of the charges made by the disappointed and chagrined Republicans. So great is his popularity in all parts of his native State that, did he so desire it, he could be elected to any office in the gift of the people. He took an active part in securing the removal of the capital of the State from Tuscaloosa to Montgomery in 1845-46, and has ever devoted his best energies to the interests of his people and section. He is an active and zealous member of the First Baptist Church of Montgomery, and an exemplary Christian gentleman of great purity of life and character. He has devoted considerable time to chemistry, of which he is an ardent student, and early in life intended to devote himself to that science as a profession.

Of strong and vigorous physical constitution, tall—six feet two inches in his stocking feet—and proportioned accordingly, he owes much of his unvarying health to prudent habits and daily physical exercise. Commencing life with no capital but a good education, by his own exertions he had, before the termination of the war, acquired a large property in negroes, lands, and stocks. Ever liberal of his means and dispensing with open hand to all who needed, especially to religious and educational purposes, he never refused to aid in the building of a church, a school, or a public bridge—these three covering, as he is wont to say, most of the duties of man in the promotion of religion, education,

and commerce. The end of the war left him, like many of the best men in the South, with heavy liabilities and but small means to meet them. Although compelled to seek the protection of the bankrupt court for the time, he has since paid more than \$150,000 of his former indebtedness, and now looks forward at an early day to the time when he can say, "I owe no man anything but to love him." The only regret he expresses for the loss of his property is that it deprives him of the power to aid the needy and deserving, fully realizing as he does the sacred truth that it is more blessed to give than to receive. Kind-hearted and generous, of spotless integrity, and with a high sense of honor, his noble character has made him respected and beloved, and gained him a lasting place in the hearts of his fellow-citizens.

Governor Watts has been twice married. First in January, 1842, to Eliza B. Allen, daughter of Wade Allen, of Montgomery, Ala., and sister of General W. W. Allen, of that city. She died, August 31st, 1873. In September, 1875, he married his second wife, Mrs. E. C. Jackson, widow of Jefferson F. Jackson, his former partner. By his first marriage he has six children living: John W. Watts and Thomas Henry Watts are practising law in partnership with their father; Florence L. is the wife of Colonel D. S. Troy, a prominent member of the Bar of Montgomery, and a member of the State Senate of Alabama; Catherine P. married Captain Robert Collins, of West Point, Miss.; Alice B. is the wife of Alexander Troy, a promising lawyer of Montgomery; and Minnie Garratt Watts, his youngest daughter, is a girl of fourteen.

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#### GENERAL A. R. LAWTON.

GEORGIA.

ALEXANDER ROBERT LAWTON was born in Beaufort District, S. C., November 4th, 1818. The Lawtons are of Welsh descent, Joseph A. Lawton having come to this country in the early part of the eighteenth century and settled

on Edisto Island, S. C. At that time the planters in that part of South Carolina consisted of old and wealthy families such as the Seabrookes and many others, and the Lawtens held their own with the proudest of them. Joseph Lawton, son of the preceding, was an officer in the Revolutionary army, and Alexander James Lawton, his son, and father of the subject of this sketch, was a planter, and took an active part in public affairs in his district, being for many years a member of the State House of Representatives, and afterwards of the Senate, and also a member of the State Convention that passed the ordinance of nullification; he lived to be nearly eighty-six years of age, and married a daughter of Dr. George Masse, a physician of Irish descent, while his mother was of Huguenot extraction. Alexander R. Lawton received his early education at a school common to the planters' sons in his district, and, in June, 1835, entered West Point Academy, from whence he graduated in 1839, and was commissioned in the First Regiment of United States Artillery. Among his contemporaries at West Point were General Halleck; General Stevens, who graduated at the head of his class, and was afterwards killed at the second battle of Manassas; General Canby, subsequently killed by Captain Jack, the Indian; and General Gilmer, who was in charge of the harbor of San Francisco at the outbreak of the civil war. For eighteen months after leaving West Point he was stationed on the northern frontier of New York and Maine, but, becoming weary of the inaction of military life in time of peace, resigned his commission, and, in January, 1841, entered Harvard Law School. After eighteen months study he received the degree of Bachelor of Laws, and, returning to South Carolina, read law in the office of Mr. Colcock. In 1843 he was admitted to the Bar and commenced the practice of his profession in Savannah, Ga. Some years later he commenced cotton planting in the southwestern part of Georgia, near Albany, and, though unable from the professional demands on his time to give more than occasional personal supervision to his plantation, it was successfully conducted

by his overseer with some sixty negroes, the family spending some months of every year there. During the war the plantation furnished large supplies for the army, and, on General Lawton's return after the surrender, he found abundance of everything, the plantation being fortunately situated outside the track of Sherman's raiders. After the emancipation the plantation was carried on for many years with hired labor, but, under the changed condition of the colored people, it was found impossible successfully to conduct it without constant personal supervision, and, accordingly, in 1870, it was sold. Numbers of his former slaves still worked for him, and, like most Southern gentlemen, he has still among his domestic servants some who were formerly his slaves.

In 1850 he became President of the Augusta and Savannah Railroad, and from its organization until its completion, in 1854, supervised its construction. In 1855 he was elected to the House of Representatives in the State Legislature, from Savannah, serving one term, and in 1859 was returned to the State Senate. He was Colonel of the First Regiment of Georgia Volunteers, the only volunteer regiment in the State, when, in January, 1861, he took possession of Fort Pulaski, under State authority. At the commencement of hostilities, in April, 1861, he received his commission as Brigadier-General in the Confederate States Army, and was assigned to the command of the Georgia coast from the Savannah river to the Florida line. He was engaged in organizing the troops, and constructing the harbor defences until June, 1862, when he was ordered by General Lee, with whom he had been on most friendly terms during that officer's residence in Savannah, to Virginia, and with his brigade joined General T. J. (Stonewall) Jackson's army in time to march down with him from the Valley and take part in what is known as the "seven days' fight around Richmond," a contest unparalleled in its duration, and remarkable for a series of battles, any one of which might rank with the most celebrated in history, and distinguished by an obstinacy on the part of the Federal army, that was only

broken by the most tremendous exertions ever made by the Southern troops. The first battle of Cold Harbor was fought on Thursday, June 26th, and from four o'clock until eight the battle raged with a display of the utmost daring and intrepidity, on the part of the Confederate soldiers. The Federal lines were finally broken, the strong positions all carried, and night covered the retreat of McClellan's broken and routed columns to the south side of the Chickahominy. Though forming part of the reserve of Jackson's army, Lawton's brigade was in the thickest of the fight, and fearfully cut up. The battle of Malvern Hill, which followed and ended the "Seven days' fight," was a great artillery duel, and perhaps the most terrible of the sanguinary conflicts which took place on the lines around Richmond, and when, at its close, McClellan's magnificent army had been driven from their strongholds and put to flight, Lawton's brigade, which had borne the brunt of the battle, was the furthest advanced of the Confederate columns. Colonel J. M. Smith, afterwards Governor of Georgia, was very severely wounded in this battle. His brigade participated with Stonewall Jackson's army in the battles of Slaughter Mountain, Bristow's Station, and the three days' fight of the Second Manassas, perhaps the most brilliant victory of the war. During the first hour of the first day General Ewell was shot down, subsequently losing his leg, and General Lawton succeeded him in the command of his division. Lawton's brigade was engaged from the very beginning, and occupied a very prominent place, holding the line of an unfinished railroad as a natural fortification, and contributed materially to the victorious result. Then followed the battle of Chantilly, the last blow struck before entering Maryland, in which only Jackson's forces, forming one flank of Lee's army, were engaged. The battle was fought in the midst of a drenching storm, driving directly in the faces of the Southern troops, and during the greater portion of the time General Lawton was the ranking officer in the field under fire. On the Federal side the division commanded by General Stevens, a

classmate of General Lawton's at West Point, was driven back with the loss of its General, and General Kearney was killed while reconnoitring. General Lawton participated in the taking of Harper's Ferry, and then in the battle of Sharpsburg, where according to General Jackson's official report "the carnage on both sides was terrible." General Lawton commanded on the extreme left of the line, a little to the left of Sharpsburg; the lines had been taken the night previous, and the battle was raging furiously by the time the sun was up. About two hours afterwards the disproportion of the attacking Federal force to the Confederate was so great that the lines were being broken all to pieces, and while riding along encouraging the men with promised succor, General Lawton was struck by a minie ball which passed through his right leg into his horse, killing the animal instantly. He was carried from the field across the Potomac, and six weeks afterwards underwent a serious surgical operation in Richmond. At Sharpsburg, Lawton's brigade suffered fearfully, and Colonel G. B. Douglass, who had been placed by General Lawton in command, was killed. General Lawton was disabled for seven months by his wound, and General Early succeeded him in the command of his division. On returning to duty, in August, 1863, he was made Quartermaster-General, and was thus on duty at Richmond until the termination of the war. His department gave employment to one hundred and fifty clerks; the offices occupied almost an entire block of buildings fronting the Capitol Square in Richmond, and were burnt down at the evacuation of the city with all the records. The position of Quartermaster-General was a most trying and onerous one, necessitating one perpetual struggle to supply the army with provisions, brought by land transportation from points in Georgia and Alabama, five hundred to eight hundred miles distant, and it may be safely asserted that no such arduous enterprise was ever before attempted in the history of warfare. At the fall of Richmond, General Lawton left, with General Breckinridge and others, and finally reached Washington, Ga., where



he remained for a time with some relations, and was there arrested and paroled. In December, 1865, he returned to Savannah, where he recommenced the practice of law, and shortly afterwards became associated with his present partners, General H. R. Jackson and Major W. S. Basinger.

On the 12th of October, 1870, General Lee died in Lexington, Va., and on the day set apart for his obsequies, October 15th, business was entirely suspended in Savannah amid marks of the profoundest sorrow and respect. His first service as Lieutenant of Engineers had been in Savannah, where he had contracted early friendships and social relations, and in the last year of his life he had sought its climate, in the hope of restoring his waning health. A public meeting was held, at which a committee was appointed to fix a date, make suitable arrangements, and select a proper person to deliver a eulogy on the life, character and services of the deceased General.

On the day selected, Thursday, January 19th, 1871, the anniversary of the birthday of General Lee, all business resorts were deserted, the streets draped in mourning, and a procession of 2,000 persons, consisting of the municipal officers, the clergy, the foreign consuls, the officers, soldiers and seamen of the late Confederate army and navy, members of the various societies, etc., etc., and the orator, General A. R. Lawton, escorted by the Committee of Arrangements, headed by General Joseph E. Johnston, then a resident of Savannah, assisted by General Mansfield Lovell, General H. R. Jackson, General J. F. Gilmer, General A. H. Colquitt, General Joseph Finegan, General R. H. Anderson, General W. W. Kirkland, General G. M. Sorrel, and General H. C. Wayne, marched through the streets to Forsyth Park, where the largest gathering ever before known in Savannah was assembled, numbering fully 8,000 people. General A. R. Lawton was selected by the authorities as the orator of the day, and pronounced an eloquent and touching eulogy on the life, character and services of General Robert E. Lee, which kept the immense audience, though excited and deeply

moved, silent and spell-bound to its close. After a graphic account of the leading incidents in his career, he said :

“Exacting the most rigid discharge of duty from the highest, he was kind, encouraging and ever tender to the humblest, who performed well the part assigned him ; the grand central figure of all, he was sublime in dignity and simplicity ; secure in the love of those who went cheering at his bidding to do or to die, he needed none of that ostentatious display so often craved even by the most distinguished military chieftains. While in careful preservation of all the resources at command, in preparations for the hour of trial, in the prompt handling of troops in action—changing plans to meet the exigencies of the hour—he exhibited that capacity which won for him the confidence and the love of the army he commanded, of the government and people he served, and accomplished results which, by the confession of all military critics, and the impulsive voice of the civilized world, placed him in the first rank among the great captains of modern times . . . and it would do injustice to his memory to leave out that portion of his life devoted to the simple and useful duties of a teacher of youth, because the acknowledgment of this service is necessary to the completeness of his fame. In no position did he more signally develop the great qualities that adorned his life. Indeed some of the very greatest can only be fully understood in the light of the serene patience and the calm and quiet consecration of his latest years. . . . We accept General Lee as the highest type of the Southern gentleman ; that combination of courage, courtesy and culture, of truth and kindness, with a scrupulous and sensitive regard for the rights and feelings of others. . . . We honor and revere him as the incarnation of duty, of dignity, temperance and virtue, of unaffected modesty and genuine humility, of industry, patience, fortitude and resignation—a character so grand in its proportions, so complete in all its details, so exquisite in its finish, that when we contemplate it, like the visitor who first looks on the Cathedral of St. Peter’s, its very perfection, symmetry and com-

pleteness obscure our capacity to appreciate its vastness. We love and honor him because he lived not for himself but for others, and illustrated by his entire life that complete self-abnegation, only witnessed in the best days of the Roman Republic, and in a venal epoch, which discards as unworthy all that does not minister to material interests, we are once more thrilled with the blessed realization that man was indeed made but 'a little lower than the angels.'

“ ‘Never a hand waved sword from stain so free,  
Nor purer sword led a braver band;  
Nor a braver bled for a brighter land,  
Nor a brighter land had a cause so grand;  
Nor a cause a chief like Lee.’ ”

“But his name and fame will survive while history lasts; even though a stricken and impoverished people shall not be able to respond in monumental marble to the prompting of their hearts and raise to him a fitting shaft, whose top shall pierce the skies. The voice of the civilized world has been heard, and the universal feeling is in accord with sentiments promptly uttered by a conspicuous organ of public opinion in England: ‘A country which has given birth to him and those who followed him may look the chivalry of Europe in the face without shame; for the fatherlands of Sydney and Bayard never produced a more noble soldier, gentleman, Christian, than Robert E. Lee.’ ”

In 1875 General Lawton was elected to the State House of Representatives, and in 1876 was elector for the State at large and President of the Electoral College of Georgia. In 1877 he was a member and Vice-President of the Constitutional Convention that framed the present Constitution of Georgia, of which ex-Governor C. J. Jenkins was President. Among the numerous prominent legal cases in which General Lawton has appeared may be mentioned the contests between the State of Georgia and the Railroads, known as the Railroad tax cases. The State of Georgia vs. Central Railroad and Banking Company was first tried in the Superior and Supreme Courts of the State, and afterwards carried to the United States Supreme Court: a

charter was granted by the Legislature of Georgia to the Central Railroad to construct a railroad from Savannah to Macon, which should not be subjected to a higher tax than one-half of one per cent. upon its net income. The Macon and Western Railroad was incorporated by the Legislature of Georgia to build a road from Macon to Atlanta, but with no exemption or limit to taxation. In 1872 the Legislature authorized the union and consolidation of these two railroads under the name and charter of the first. Such was the legal status of the Central Railroad and Banking Company when, in February, 1874, the Legislature passed an act to amend the tax laws of the State relating to railroads which required from each railroad company an annual return of the value of its property to be taxed as other property of the people of the State. In accordance with this act, the Comptroller-General assessed a tax of \$46,034.81 against the Central Company, and issued an edict to collect it. The company then paid the tax of one-half of one per cent. required by the prior law, and instituted proceedings to resist the exaction of the remainder of the tax on the ground that by its charter it was not subject to be taxed at a higher rate. It was contended on behalf of the State that the charter granted was surrendered by the union and consolidation of the two companies. Mr. Jeremiah S. Black, Mr. David Dudley Field, and General A. R. Lawton appeared for the company, and the Attorney-General of Georgia, Mr. N. J. Hammond, and General Robert Toombs for the State. The court held that the charter granted to the Central Railroad was not surrendered under the act for the union and consolidation of the companies, and that, therefore, it was not in the power of the State to impose upon it a greater penalty than one-half of one per cent. per annum; but the Macon and Western Railroad, having no contract with the State limiting its liability to taxation, had no claim to exemption, and, as that property by articles of union amounted to one-third of the entire property, the amalgamated company to that extent only was liable to a greater rate than one-half of one

per cent. In June, 1877, General Lawton appeared in support of the will in the celebrated Telfair will case, in which \$750,000 was involved.

He is a Trustee of the University of Georgia, and Attorney for the Central Railroad of Georgia, the largest railroad in the State.

He married, in November, 1845, Sarah Alexander, daughter of Adam L. Alexander, of Washington, Ga., and has three children; his son, Alexander R. Lawton, is at present a student at the University of Virginia, and one of his daughters is the wife of Mr. MacKall, of Baltimore, Md.

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#### EX-GOVERNOR KEMPER.

##### VIRGINIA.

**J**AMES LAWSON KEMPER was born in Madison county, Va., in 1824, and descended from British and Continental ancestors who settled in the colony of Virginia in 1700. He took the degree of Master of Arts at Washington College, and studied law in the office of George W. Summers, Esq., at Charleston, Kanawha county, then in the Old Dominion, now in West Virginia. In 1847 he was commissioned Captain in the Volunteer army by President Polk, and joined General Taylor's army of occupation in Mexico, just after the battle of Buena Vista, thus seeing no active service in that war.

General Kemper was for ten years a member of the Virginia Legislature, for two years the Speaker of the House of Delegates, and for a number of years Chairman of the Committee on Military Affairs. He was also President of the Board of Visitors of the Virginia Military Institute. On the 2d of May, 1861, he was commissioned by the State Convention, on the nomination of Governor Letcher, Colonel of Virginia Volunteers, and assigned to the command of the Seventh Regiment of Infantry, which command he assumed at Manassas, the regiment being eight hundred and fifty strong. He was first engaged with his regiment at the first battle of Manassas, July 21st, 1861, where his regiment

was temporarily incorporated in a brigade commanded by Colonel, afterwards General Jubal A. Early, and aided in striking the final blow on the extreme left of the Federal line, which immediately preceded the retreat and final rout of the Union army. Three days after the battle of Manassas his regiment was assigned to a brigade commanded by General Longstreet. This brigade was subsequently given General A. P. Hill, and under him, Colonel Kemper, with his Seventh Regiment, was in the hottest of the battle of Williamsburg, May 5th, 1862. Immediately after this he was made commandant of the brigade, which had been successively commanded by Longstreet, Ewell, and A. P. Hill, and, commanding it, participated in the first day's fight at Seven Pines, May 31st, 1862, and the seven days' fighting around Richmond in the same year. He acted as Major-General at the second battle of Manassas. He commanded his own brigade at South Mountain and Sharpsburg. After the Maryland campaign his brigade was assigned to Pickett's Division of Virginians.

General Kemper was detailed from his division in 1863 and sent to operate near Newbern, N. C., where he rendered good service to the Confederate cause, though there were no pitched battles fought. He rejoined Pickett in front of Suffolk, Va., and marched with him into Pennsylvania. General Kemper was desperately wounded by leading his men in that terrific charge which gave Pickett's division a permanent place in history and yet ended so disastrously. He was brought off the field, but subsequently fell a prisoner into the hands of the Union army. After three months imprisonment, and when it seemed unlikely that he would recover, he was exchanged for Brigadier-General Graham, United States Army.

The wound received at Gettysburg, though not fatal, as many expected, compelled him to retire from field-service. He was then placed in charge of the local forces of Virginia at Richmond. In June, 1864, he was commissioned Major-General, and so remained until the close of the war.

The late Colonel Walter Harrison, Inspector-General of Pickett's division, says in his "PICKETT'S MEN," that General Kemper "was an excellent officer in the field; with all the courage and pure chivalry of a volunteer patriot fighting for his country's honor and independence, he combined the solid qualities and sound judgment of a practical statesman. In battle or council he was an officer of superior capacity."

The war over, General Kemper returned to his former place of residence in Madison county, and sought to repair his fortune and by example to encourage his neighbors to renew their struggle for life and prosperity. He cultivated his land, and recommenced the practice of the law and was honored with many important cases; but in that section of the State, so sadly devastated by the contending armies, the people were poor and the pecuniary reward of his practice, though sufficient, was by no means grand.

Upon the formation of the Conservative party—a union of all the elements opposed to the Republicans—General Kemper, as duty and sympathy commanded, joined the Conservative ranks, and with voice and pen, and every effort, did his part. He was an elector for the State at large on the Greeley ticket in 1872, and canvassed the State with such satisfaction to the people that in the year following he was nominated for Governor over Colonel (now United States Senator) R. E. Withers, and was elected by about twenty-seven thousand majority over the Republican candidate, Colonel (now United States Judge) Robert W. Hughes.

Governor Kemper entered upon the duties of his high and responsible office on the 1st of January, 1874, for a term of four years. At that time the conflicts between the two races were of frequent occurrence in some States (not in Virginia), and the whole country was seriously considering how best to restore quiet and good order.

In his inaugural message Governor Kemper said: "We intend to perform the task assigned us by Providence by scrupulously guarding the newly acquired rights of the colored man; by affording

him liberal facilities for education and inciting him to use them; by developing his best qualities and capacities, and interesting him in the preservation of order and the enforcement of justice; by shielding him against devices of the vicious and thriftless; by habitually according him the kindness, forbearance and sympathy which his comparative dependence and weakness invite, and by cultivating such relations of active co-operation and mutual trust and common interest between the races as will combine both in recovering the general prosperity and make each an indispensable instrumentality for that end."

His messages to the General Assembly recommended legislation for the encouragement of immigration; for retrenchment and reform in the administration of the government of the State; for the better support of the public educational institutions and asylums; for the remodelling of the tobacco inspection laws and the improvement of the criminal laws. On the occasion of the sending of Federal troops to Petersburg at the Presidential election in 1876, both by proclamation and message he denounced it as being what he regarded as an unjustifiable interference with popular rights in Virginia.

On the subject of the public debt he said to the General Assembly at the session of 1876-7:

"As nothing can so quickly revive the general business and productive energies of the people, so nothing can give the State so much ability to pay full interest on the debt as measures resolutely providing the means for its payment. Procrastination serves but to deepen the existing depression, to swell the arrears of interest and to lessen the ability to pay. To begin paying renews confidence, converts unproductive into productive values, gives a fresh impulse to all enterprises and so increases the ability to continue paying. If the requirements of honor did not override all other considerations in dealing with this subject, as they do; and if it were possible to escape the payment of any of our obligations, as it is not; the experiment of repudiating any, even the least of them, would entail losses upon the people many times greater

in amount than the entire debt itself. Unquestionably, if expediency alone be consulted, the cheapest and easiest, as well as the only way to get rid of debt, is to pay it off.

“But higher considerations than such as calculate material and pecuniary advantages will control the action of Virginia upon this question. It is enough that the preservation of the unblemished honor of the government and the people demands the speediest possible redemption of every obligation.”

All of Governor Kemper's State papers are marked by vigor and felicity of expression, and his recommendations have nearly always been practical, and wherever adopted by the General Assembly have been productive of good. As a speaker he stands deservedly high. He is a lawyer of soundness and experience, and his whole record, as soldier, legislator, lawyer and Governor, has been unstained by impure purposes or questionable acts, and those who may at times differ with him on subjects of public policy admit his ability and honesty.

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### GENERAL HENRY HETH.

#### VIRGINIA.

**H**ENRY HETH was born in Chesterfield county, Va., December 16th, 1825. He is a son of John Heth, of the Black Heth estate, in that county, a Colonel in the volunteer force of Virginia, and previously an officer in the United States Navy, serving in the war of 1812, and being captured with Decatur and taken to Bermuda, whence he escaped in an open boat with two of his comrades. An uncle of his, Colonel William Heth, participated in the battle of Quebec under General Montgomery, in which he was taken prisoner, and served with distinction throughout the Revolutionary war, having been connected with the staff of General Washington.

In 1843 he entered the United States Military Academy, at West Point, from which he graduated in 1847, when he was appointed Second Lieutenant in the Sixth Infantry, joining his

regiment at the City of Mexico in January, 1848, and remaining with it there until June of that year, peace meanwhile having been concluded. His next important service was on the Indian frontier, where he speedily distinguished himself, doing duty at Fort Atkinson, Fort Kearney, and Fort Laramie, taking a conspicuous part in most of the Indian fights in that region, and winning, by his conduct in the field and out of it, the first lieutenancy in June, 1853, the adjutancy in November, 1854, and, finally, a captaincy in the Tenth Infantry in March, 1855. Shortly after this last promotion, a company was detached from his regiment, mounted as cavalry, and led by him in the Sioux expedition under General Harney, which ended in the victory of Bluewater, September 3d, 1855. In 1857 he was assigned to special duty in preparing target practice for the army, but the following year joined his regiment in Utah, where he served until the latter part of 1860, when, the civil war looming in the near distance, he returned to Virginia on leave of absence, and, ultimately determining to “go with his State,” resigned his commission, April 18th, 1861, and entered the service of Virginia. His reputation as a soldier brought him prompt recognition by the military leaders of the South, and he first organized the Quartermaster's Department in Richmond, and was then appointed a Colonel in the Confederate army, in which capacity he organized General Floyd's command at Wytheville, Va., and participated in the battle of Carnifex Ferry, conducting General Floyd's retreat from Cotton Hill. In 1862 he was made a Brigadier-General, and assigned to the command of West Virginia, fighting in May of that year the battle of Giles' Court-House, in which he was opposed to Colonel R. B. Hayes, now President, and later in the same month fighting the battle of Louisburg. In the following June he joined General Kirby Smith at Knoxville, Tenn., and accompanied him in his invasion of Kentucky, two months later, being intrusted, when the invading force reached the interior of the “dark and bloody ground,” with the charge of an expedition intended to capture Cincinnati, an enterprise

from which he was withheld at the last moment by positive orders. In February, 1863, he joined the Army of Northern Virginia, and was assigned to the command of Field's brigade, whose commander had been wounded, taking part in the battle of Chancellorsville, at which General A. P. Hill was wounded on the first day, and opening the battle on the second day, when he was wounded himself, casualties noticed with regret by General Lee in his despatch announcing the engagement to the Confederate President. He was now promoted to the rank of Major-General, and placed in command of a division in the Third Corps, commanded by General A. P. Hill, presently signaling his promotion by opening the battle of Gettysburg, having discovered, while on an expedition from Cashtown to Gettysburg in quest of a supply of shoes, the advance of General Meade's army under General Reynolds, whom he attacked, losing in twenty-five minutes twenty-seven hundred men out of seven thousand, and fifty per cent. of his officers, besides being himself severely wounded. He was subsequently engaged in the affair at Falling Waters during the retirement of General Lee's army to the south bank of the Potomac. On the 14th of the ensuing October he attacked with two brigades General Meade's Second Corps, under General Warren, fighting the battle of Bristoe's Station, after which he went into winter quarters at Orange Court-House. As this place is in the neighborhood of Chancellorsville and Wilderness, he may be said to have wintered on the battle-field, ready for a renewal of the conflict with the return of spring. At all events the conflict was renewed at that time, and on the 5th of May, 1864, he commanded the advance division of Hill's corps, marching by the Orange Court-House plank-road to resist General Grant's flank movement across the Rapidan, and replied successfully for three hours to the attacks of General Hancock from the Brock road, participating likewise in the battles of Spottsylvania Court-House on the 10th, 11th and 12th of the same month, and a few days afterwards engaging General Warren at Nowell's Turn-out. On the

3d of June he took part in the battle of Bethesda Church, at which the Federal troops were commanded by General Burnside, and was in the lines around Petersburg during the siege, from July, 1864, to April 3d, 1865, occupying, through September, October and November of the former year the extreme right of General Lee's lines. He was engaged in the battles on the Weldon road, August 18th, 19th and 20th, 1864; in the battle of Reem's Station, where he captured two thousand men, nine pieces of cannon, and many flags; in the battle of Burgess's Mill, in November, 1864, and in all the struggles on the right, following from the extension of General Grant's left; and, lastly, commanded at Burgess's Mill, April 3d, 1865, when General Grant broke through General Lee's lines, his final service being to conduct his division on the retreat to Appomattox Court-House, where he surrendered with General Lee's army on the 9th of April. The war being ended, he remained in Virginia, turning his attention at first to mining, which he prosecuted for some two years, and then established himself as an insurance agent in Richmond, Va., in which business he has since continued there, representing at present the Washington Insurance Company of New York. He married Miss Selden, daughter of Miles Selden, a planter of Norwood, Powhatan county, Va., and a member of an old Virginia family, who have resided on the James river for a period of two centuries. Mrs. Heth is a cousin of Dr. William Selden, of Norfolk, and a niece of Mr. John Selden, who own the well-known West-over estate on the James river.

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#### GENERAL J. HAGOOD.

SOUTH CAROLINA.

**J**OHNSON HAGOOD was born February 21st, 1829, in Barnwell county, S. C. The Hagoods are of English extraction and settled originally in Virginia, and prior to the Revolutionary war removed to the Ninety-six District, S. C. Early in the present century, Johnson Hagood, the grand-

father of the subject of this sketch, after whom he was named, a prominent lawyer in Charleston, settled in Barnwell county, and his son, Dr. James O. Hagood, was, previous to the civil war, a successful planter and stock-raiser, and a standard authority on the latter subject in his native county. He practised his profession for more than fifty years, and by his uniform success and sound judgment gained the respect and esteem of the large and intelligent community among whom he resides. Johnson Hagood's early education was received in Augusta, Ga., and at sixteen years of age he entered the Citadel, the State Military Academy at Charleston, S. C., where he graduated in November, 1847, with the highest honors of his class; among his classmates there were Rev. S. B. Jones, D. D., of South Carolina; Edgar Herriot, now a well-known engineer in Louisiana; Colonel Lithgoe, who was killed during the war, and others. After graduation he studied law under Hon. Edmund Bellinger, a distinguished lawyer of his day, and in 1850 was admitted to the Bar. In 1851 he was appointed by Governor John H. Means Deputy Adjutant-General of Militia, one portion of his duties consisting of drilling the militia at its various encampments scattered over the State. In December, 1851, he was elected by the State Legislature Commissioner in Equity for Barnwell District, a lucrative and important office, which he held until the outbreak of hostilities in 1861, when he resigned it to join the army. So little idea was entertained at the time of the duration of the coming struggle, that on tendering his resignation he was urged to withhold it, on the plea that in a month or two all would be over and he returned from his military duties, and that it was a pity to give up so good a position for so short a time. During the ten years prior to the war he was also engaged in cultivating his plantation in his native county, and when the State seceded was Brigadier-General of Militia. He was at once elected Colonel of the First South Carolina Volunteers, and took part in the bombardment of Fort Sumter under General Beauregard, in April, 1861. He was then transferred to the Confederate States Army, still retaining his rank as Colonel. He was present at the first battle of Manassas (Bull Run). Returning to South Carolina his regiment was engaged in the operations around Charleston and at the battle of Secessionville, in June, 1862. Immediately after that battle he was promoted by President Davis to the rank of Brigadier-General, serving on the coast of South Carolina until May, 1864, and being engaged in the defence of Charleston during General Gilmore's siege of that city, and in the defence of Fort Wagner and the operations on James Island. In May, 1864, he was with his command withdrawn from Charleston and ordered to Petersburg, Va., where he arrived May 7th, and at Walthall Junction, a few miles beyond, met the advanced forces of General B. F. Butler, consisting of five brigades. With fifteen hundred of his men, supported by eleven hundred men of Johnson's Tennessee Brigade, he repulsed them in the open field, many of his most gallant field and staff officers being killed and wounded. This gave time for the concentration of troops from the southward for the defence of Petersburg against Butler's advance. And the ladies of Petersburg, in recognition of the gallantry of the fifteen hundred men engaged, met and resolved to present a flag to the brigade. He served under General Beauregard at Petersburg and afterwards in Hoke's Division at Drewry's Bluff against Butler and in the operations in the Bermuda Hundreds. During the latter period he was instrumental in the erection of a battery at Howlett's House on the James river which, sweeping Butler's transports in the bend of the river, caused him to conceive the idea of cutting the famous Dutch Gap canal to escape, in his further advance up the river, the fire of this battery. The first pieces with which the battery was mounted were two twenty-pound Parrotts captured by Hagood's brigade at the battle of Drewry's Bluff a few days before, and were manned by a detachment from Palmer's company of the Twenty-Seventh South Carolina Regiment.

After General Beauregard had succeeded in

“bottling up” Butler in the Peninsula of Bermuda Hundred, Hagood’s brigade, with the division to which it was attached, was ordered to join General Lee. It reached him at Cold Harbor, just prior to the battle of June, 1864, in which it was actively engaged. At the siege of Petersburg which ensued, this brigade served in the trenches at one time sixty-seven days without relief, and in that period was reduced by casualties and disease from twenty-three hundred men to seven hundred present for duty. At one time the next officer in rank to the brigadier present was a captain; and four of the five regiments were commanded by lieutenants. At a later period, during the month of August, in the fighting on the Weldon Road, General Hagood became the hero of as daring and gallant an exploit as is to be found in the history of the war. His command had been ordered to charge the enemy, and when the line of their works had been reached, some two hundred of his men having got into a re-entering angle where they were exposed to a severe cross-fire, became confused, and a mounted officer of the enemy galloping out of a sally-port seized the colors of the Twenty-Seventh Regiment and called upon them to surrender. Several officers and men prepared to do so, but had not been carried in when General Hagood, whose horse had been previously shot, proceeding towards them, called upon his men to shoot the officer; in the confusion they seemed bewildered and failed to do so. The General having now come up to the spot, demanded the colors, telling the officer he was free to return to his troops. Instead of doing so he commenced arguing about the desperate position of the small band of Confederates, and General Hagood, cutting him short, demanded a direct answer, which, being in the negative, he was shot from his horse, and the General seizing the colors and handing them to his orderly, sprang into the saddle of his adversary, and succeeded in withdrawing his men with as little loss as could have been expected from the terrific fire to which they were exposed in retiring.

General Beauregard, in forwarding a statement of this affair to General Lee, remarked: “Such an

act of gallantry as herein described, and of devotion to one’s flag, reflects the highest credit on the officer who performs it, and should be held up to the army as worthy of imitation under similar circumstances. Brigadier-General Hagood is a brave and meritorious officer, who has distinguished himself already at Battery Wagner and Drewry’s Bluff, and participated actively in the battles of Ware Bottom Church, Cold Harbor and Petersburg, June 16th and 17th, 1864, and I respectfully recommend him for promotion at the earliest opportunity.” General Hagood bore generous testimony to the good conduct of his orderly, private J. D. Stoney, in this affair, and recommended him for a commission, which he afterwards obtained. Shortly before Christmas, 1864, he was ordered to reinforce the troops in North Carolina, and was engaged in the operations around Wilmington, and afterwards in General Hoke’s division at the battles of Kinston and Bentonville, at the latter General J. E. Johnston having 18,000 men only, while General Sherman’s column numbered 35,000, which on the second day was increased to 70,000; and the necessity of parting with so large a number of veteran troops (7,500 infantry, of which Hagood’s brigade formed a part, and Hampton’s cavalry) at this juncture was the ultimate cause of the abandonment of Petersburg by General Lee. Retiring before overwhelming numbers his command surrendered with General Johnston at Greensboro, N. C. General Hagood’s brigade entered the war 4,500 strong, and at its conclusion only 499 veterans remained, including himself and his staff, of that gallant band. At the termination of hostilities he returned to the active supervision of his plantation, and has since devoted his attention to the best methods of cultivation and to stock-raising, in which he has been remarkably successful. In 1871 the burden of taxation under the profligate and iniquitous carpet-bag rule having become well nigh intolerable, he became a delegate to the State Tax-payers’ Convention held at Columbia, and composed of the most intelligent and responsible men in the State. The convention was called to consider the enormous and increas-



ing State debt, and to ascertain, if possible, its actual amount, and what portion of it had been legally contracted. An entirely false statement of the State's liabilities was placed before them by Governor R. K. Scott and the State officers, and a false set of books were produced professing to give correct details. Upon the evidence submitted they declared a certain portion of the debt valid and binding, and the rest fraudulent. It appeared that the taxable value of the property of the State in 1860 was \$400,000,000, and the taxes were then only \$392,000; in 1871 the taxable property had been reduced to \$184,000,000, while the taxes had increased to \$2,000,000, so that while the property had been reduced to less than half its former value, the taxes had been increased five hundred per cent.; and this curious anomaly existed, without a parallel in representative government, that those who imposed the taxes did not pay them, and those who paid them had no voice in imposing them. Property was assessed without being seen, at an average of at least twice, and sometimes even five times its value, from which no redress could be obtained from the tax commissioners. The State debt had been increased from, in round numbers, \$5,400,000 in 1867, to \$20,000,000 in 1871 by the issue of bonds, the existence of a large portion of which had, previous to the investigations of this convention, been unsuspected and kept studiously concealed by the guilty officials. The Legislature had relinquished to private individuals, without consideration, its lien upon the Blue Ridge Railroad, and in the case of the Greenville and Columbia Railroad, whose stock had been purchased by a disreputable ring from private individuals at a nominal price, they authorized the sale of the stock held by the State in the same company to the ring, of which high State officials were members, and the money to make these purchases was raised by hypothecating State bonds, so that the corporation passed into the hands of private individuals, who never paid one cent out of their own pockets for the stock. The Republicans themselves afterwards repudiated a large portion of the debt, and the Court of Claims is now passing upon the

validity of the unfunded portion of the debt. On the 20th of February, 1874, General Hagood was appointed one of a committee of five, of which Mr. C. R. Miles was chairman, to investigate the condition and administration of the assets of the Bank of the State of South Carolina, who, while laboring under great difficulties from inability to send for persons and papers, or to compel the attendance of witnesses, and from the refusal of the then Receiver to furnish any information whatever, reported that the funds of the bank had been loaned to favored individuals on totally inadequate security, that repeated changes had been made in the Receivership for no other purpose apparently than to enable each successive one to receive the commission, and that borrowers of the currency assets of the bank had been allowed to repay their loans in the greatly depreciated bills of the bank, at par.

Another flagrant piece of fraud connected with the State Bank, which, however, did not come within the scope of the Committee's report, was that at the end of a year and a half of the widest publicity given to an order notifying holders of the bills of the bank to present them, something less than \$500,000 had been so presented. The Legislature voted to issue State bonds to redeem the bills, and appointed a legislative committee to count them. This committee reported that they had found \$1,258,550 in notes, and in spite of the fact that less than \$500,000 could be found previously after eighteen months' vigorous search, passed an act authorizing the issue of bonds for \$1,258,550. Bonds were printed and issued by the Executive Department for this specific purpose, of the face value of \$1,590,000, but in whose hands the balance of \$331,450 remained it was impossible to discover. In 1876 General Hagood was nominated on the Democratic ticket for Comptroller-General, and by his patient, prudent and courageous course during the excited campaign that followed, contributed largely to secure the great moral triumph of law and order and the downfall of the corrupt radical rule in the "Palmetto State." His management as county

chairman of the campaign in Barnwell was perfect in its organization and such as to gain the confidence of all moderate Republicans as well as Democrats. The colored voters flocked in large numbers to the Democratic standard and joined the Democratic clubs, and although hitherto there had been a Republican majority of 1800, almost wholly colored, the county was carried by a majority of 1100 for the Democratic ticket. Of the negroes, at least a third voted the Hampton ticket, while another third abstained from voting at all, leaving only one-third who still supported the existing government. Only seven white men in the county voted the Republican ticket. Wherever Republican meetings were held, the Democratic leaders claimed and insisted on their right to speak and refute the calumnies of their rivals, and invited the opposite party on every occasion to exercise similar privileges at their own meetings. Ex-Governor Chamberlain was again and again invited and urged to meet Governor Hampton, so that each might have the opportunity to answer and if possible refute his opponent. The radicals were, however, quite unprepared for these open and straightforward tactics, and Governor Chamberlain, though promising repeatedly to do so, never once had the courage to stand the test; it was the first campaign in which the negroes had heard the truth spoken, and the failure of their *quasi* champions to stand the test undoubtedly gained numbers of colored votes for the Hampton ticket. Two thousand mounted men in red shirts, the Democratic uniform, escorted Governor Hampton through Barnwell county, camping from time to time at the various points where he stopped to speak, and the enthusiasm of all classes was unexampled in the history of the State. During the time of the Ellenton riots, General Hagood was placed by the Republican Judge Wiggin in command of the armed posse to repress the disturbance. And during the uncertain and perilous time between the election, in November, 1876, and the recognition of the Hampton Government by President Hayes, when any moment might have precipi-

tated a collision between the rival parties, Governor Hampton called only two of the State officers to his regular assistance, Hagood and Attorney-General Conner; the former acting both as Comptroller and Treasurer. It was largely through his influence that over a thousand of the negroes of his county at this time united in the voluntary contribution by the citizens of the State of one-tenth of the taxes they had paid the previous year to the support of Hampton's Government before it had been formally recognized by President Hayes. In May, 1877, he formally took possession of his office in the capitol, and has since so thoroughly organized and systematized his department that it has become quite a model of its kind; everything has his personal supervision, and he is distinguished especially for his strict execution of the law. The Comptroller's office is perhaps the most important of all the State offices; it is the auditing office, and no moneys can be paid by the Treasurer without warrants from the Comptroller, who is responsible for their legality; he supervises the collection of taxes and conducts the insurance business of the State; he has the supervision of the phosphate interests of the State, now becoming a most important and lucrative source of revenue, and has to report upon the condition of the chartered companies and whether they are working in the interest of the State; in fact, the whole financial interests of the State are administered through the Comptroller's office, and in General Hagood have found an officer peculiarly adapted by nature and acquirements to efficiently conduct its intricate operations. He has always taken a great interest in agriculture, and in April, 1869, he was elected the first President, since the civil war, of the South Carolina Agricultural and Mechanical Society, holding that office for four years, but has since declined re-election; he has been unusually successful as a planter, paying great attention to the judicious use of manure and fertilizers, and his sound common sense and methodical system have enabled him to utilize to the fullest extent the freed labor. Many of his former slaves are still employed by





Truly Your Friend  
Campbell Wallace

him, and as he wisely adopts the plan of paying wages in money, he is able to exact the fullest amount of work with the greatest satisfaction to his hands. Few planters are as familiar as General Hagood with the details of plantation work, and his close personal attention and thorough system of supervision of every detail, enable him to secure the most profitable results. The stock used on the plantation is chiefly bred by himself, and his thorough-breds give him the opportunity of occasionally indulging his taste for racing, besides forming a considerable source of revenue in the sale of some of the youngsters not required for his own use. He is an accomplished horseman, and never so much at home as when in the saddle. He is Chairman of the Board of Visitors of the State Military School, at Charleston, which is now in course of reorganization. General Hagood is a gentleman of somewhat reserved manners and modest, retiring disposition, but of sound judgment and strong common sense united to a warm, generous heart. He has gained the respect and esteem of all parties in his official position, and his warm personal friends bear witness to his private worth, and should his services be demanded for the highest honors in the gift of the people, no man in South Carolina would be better entitled to such a reward for his services in the cause of law, order and pure government. He married, November, 1854, Miss Eloise B. Butler, daughter of Judge A. P. Butler, formerly United States Senator for South Carolina, of whom the present United States Senator, M. C. Butler, is the nephew. He has one son, Pickens B. Hagood, at present a student at the Virginia Military Institute, Lexington, Va.

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#### MAJOR CAMPBELL WALLACE.

GEORGIA.

**C**AMPBELL WALLACE was born in Sevier county, Tenn., on December 7th, 1806. The paternal ancestors of Campbell Wallace were Scotch Presbyterians, and, after emigration to this

country, formed a part of the original settlement in North Carolina known as the "Waxhaw Settlement," which derived its name from the fact that it was once the seat of the "Waxhaw tribe of Indians," being the same section to which the father of Andrew Jackson emigrated with his family in 1765. The Wallaces subsequently moved from the "Waxhaw Settlement" to Mecklenburg county, N. C., thence into Tennessee, in which section they were among the first settlers. William Wallace, the grandfather of Campbell Wallace, took active part in the Revolutionary War, and was one of the first two magistrates commissioned for the Tennessee Territory, General James White, father of the distinguished statesman, Hugh Lawson White, being the other.

Among the expedients adopted by Congress to lighten the burden of public indebtedness incurred by the General Government in prosecuting the War of Independence was a recommendation, to such of the States as owned vacant or unoccupied lands, to cede such lands to the United States, so that the joint fund created by the sale of these lands could be applied to the liquidation of the common debt. North Carolina was one of those States which owned a vast amount of unappropriated land in the western portion of her territory, and, agreeing to the recommendation of Congress, ceded to the General Government lands which embraced the territory now constituting a large part of the State of Tennessee.

A portion of the inhabitants of the section ceded to the General Government, desiring to resent what they considered a neglect or disregard of their interest on the part of the State of North Carolina in agreeing to the recommendation of Congress, met in convention, framed a constitution, and organized what was designated the "State of Frankland," by electing John Sevier Governor. In this revolt against the authority of North Carolina, William Wallace, the grandfather, and Jesse Wallace, the father of Campbell Wallace, were with the Seviers actively engaged, in opposition to other settlers led by the Tiptons, who approved the

action of the State in ceding the lands. This movement to establish the State of Frankland was suppressed by the troops of the general government, and those engaged in the revolt returned to their allegiance to North Carolina.

The mother of Campbell Wallace, Martha George, was a member of an old Quaker family of Welsh descent, who, when Martha was quite a child, moved from the place of her birth, Reading, Pa., to Tennessee. After the marriage of Martha George with Jesse Wallace, she united with the Presbyterians. Martha Wallace died at the age of seventy-eight, having borne eleven children, of whom Campbell Wallace was next to the youngest, and is now the only survivor. Jesse Wallace lived to the ripe old age of eighty-eight years.

At an early age Campbell Wallace removed with his parents into Blount county, Tenn., and, when fourteen years old, was placed in the mercantile house of Charles McClung & Sons, of Knoxville, where he remained for two years, at the expiration of which time he was called home on account of the advanced years of his father and mother who required his constant care. He remained at home until the year 1832, when he returned to Knoxville and entered as a partner in the house of McClung & Sons, in which he had previously served as a store-boy. At the age of eighteen years, Campbell Wallace acquired the title of Major, by which he is so familiarly known throughout the States of Tennessee, Georgia, and Alabama, having, in the year 1824, been elected to the rank of Major in the State Militia. Though having received but a limited common-school education, Major Wallace pursued a most prosperous commercial career, extending from 1832 to 1853. During his mercantile life he was elected a Director of the Union Bank of Tennessee, Trustee of the East Tennessee University, and Trustee of the East Tennessee Female Institute; no better evidence of the high estimation in which Major Wallace was held by the public can be given than the simple statement of the fact, that he was elected to these positions of honor and trust as successor to Judge Hugh Lawson White, who

was probably the most distinguished public man of his day in the State of Tennessee. In 1851 Campbell Wallace became one of the Trustees of the Tennessee Institution for the Deaf and Dumb, located at Knoxville. At this time this Institution was much embarrassed from the fact that the funds provided by the State were insufficient to both support the Institution and complete the necessary buildings. The Institution was relieved of this embarrassment by closing the school and devoting all funds received to the completion of the main building. In carrying out this plan of relief, Major Wallace served as one of the building committee, and the subsequent usefulness of the Institution was, in a great measure, due to the business tact and energy displayed by him in giving his personal attention to every detail of the work. In 1853, at the urgent solicitation of many friends and great personal sacrifice, he retired from a most profitable mercantile business to accept the position of President of the East Tennessee and Georgia Railroad. The road had been broken down financially, and the well-known executive ability of Major Wallace was relied on to overcome the results of this mismanagement. Under the energetic administration of Major Wallace, the road was reorganized and completed, and the line extended from Cleveland to Chattanooga, which extension, though opposed by many prominent stockholders, has proven to be the most prosperous section of the road.

In 1861, a short time before President Lincoln issued his proclamation calling for seventy-five thousand volunteers for service against the seceded States, Major Wallace was detailed by the railroads composing the line from New Orleans to New York city, to proceed to that city and reorganize the line. On arriving at Washington City, he was confidentially informed that the proclamation of the President had been telegraphed to the Governors of all the States, and advised to go no farther north, but return home. He determined, however, to perform the duty to which he was assigned at all hazards, and proceeded to New York city, where he arrived during the intense excitement caused by

the presence of the Seventh Massachusetts regiment then on its way to Baltimore, and the arrival of Major Anderson and his command from Fort Sumter.

Having fulfilled the mission on which he was sent to New York, he left that city and returned to Knoxville—the return trip south being made at great personal risk of being arrested by the Federal authorities. The experiences and observations of Major Wallace while north convinced him that “coercion of the seceded States” had been fully determined on by the President and Cabinet, and that this policy for a restoration of the Union would be sustained by the people of the States north of the Ohio and Potomac rivers. His judgment being convinced that the impending struggle would be fierce, bloody and protracted, he at once, on his return to Knoxville, true to the traditions of his ancestors and instincts of his manhood, determined to cast his lot with the South, and devote all of his energies to the service of the cause he conscientiously and devotedly espoused. On reaching Knoxville, he immediately sent his eldest son to Montgomery to notify the Confederate authorities that all necessary arrangements had been completed for the transportation of troops by rail from the south and southwest to Richmond.

At this time the differences in political sentiment between citizens of East Tennessee was so bitter, that it was thought imminently dangerous to attempt the transportation of troops through that section. With this fact in view, Governor Harris, then Governor of Tennessee, telegraphed Major Wallace, asking if he could transport Duncan’s battalion through East Tennessee. The prompt and characteristic reply was, “Yes, or die on the track!” Duncan and his men went through safely. From this time until East Tennessee was abandoned by the Confederates, the demand on the energies and resources of Major Wallace was incessant and exhaustive, and the capacity of the road under his management was taxed to its utmost in furnishing transportation for troops and munitions of war. The fact that on the retreat of General Bragg from Kentucky, Major Wallace transported 60,000

troops from Knoxville to Bridgeport in ten days, gives the best evidence of the perfect organization and resources of the East Tennessee and Georgia Railroad, which road, under the management of Major Wallace, transported more troops during the war than any other road in the South, and so untiring was the vigilance of Campbell Wallace that this extraordinary duty was performed with the loss of only three engines and forty cars, destroyed to prevent their capture by Federal cavalry under General Wilder.

In September, 1863, East Tennessee having become untenable for the Confederates, under the direction of Major Wallace all the rolling stock and equipment of the East Tennessee and Georgia Railroad was transferred to Georgia, and head-quarters of the road established at Augusta, where, under the supervision of Campbell Wallace, the engines and cars were employed in transporting supplies to the army *via* Columbia and Charlotte, and cotton to Wilmington for export on government account. This service was performed to the entire satisfaction of the authorities up to a short time before the close of the war, when the rolling stock controlled by Major Wallace was removed from Augusta, under the following circumstances: After Sherman had penetrated middle Georgia on his march to the sea, Augusta being threatened, the General in command issued orders that nothing should be moved from the city without special permit, and all cotton then in the city should be stacked in the streets and fired in case of an attack, so as to prevent it from falling into the hands of the enemy. Major Wallace, foreseeing the general destruction which must have followed such action, determined to save his rolling stock at all hazards, and after ascertaining that the Georgia Railroad in the rear of Sherman was clear, at midnight, without the knowledge of the military authorities, removed from Augusta fifteen engines and one hundred cars to stations along the line of the Georgia road. This equipment, at the close of the war, was turned over to the East Tennessee and Georgia Railroad.

While rendering service to the Confederacy as a transporter of troops and munitions, Major

Wallace had often to exert the force of an iron will in conflicts with inexperienced officers who, "clothed with a little brief authority," imagined that their rank not only gave them control of troops, but all railroad officials and employes with whom they came in contact. Major Wallace sensibly felt the responsibility of his position, and never hesitated to disobey orders when he foresaw that obedience would unnecessarily subject his employes and the troops being transported to loss of life by collision or other railroad accidents. At the close of the war Major Wallace remained in Georgia, and when residing at Athens, received a pardon from President Johnson, who was an old and intimate friend.

From Athens, Ga., Major Wallace moved with his second son, Thomas L. Wallace, to Barton county, and commenced farming. In the spring of 1866, Governor Charles J. Jenkins, who had been elected Governor of Georgia, tendered the position of Superintendent of the State or Western and Atlantic Railroad to Major Wallace. He accepted the position, and immediately went to work to reorganize and rebuild the road, which, having been the line of Sherman's march from Chattanooga to Atlanta, was in a most dilapidated condition from one end to the other—track, bridges and depots had all been destroyed by both Federal and Confederate. Major Wallace placed the road in order, and under his administration it added much to the income of the State. During the time that General Meade was in command of the Department of Georgia, and previous to the removal from office of Governor Jenkins by the Federal authorities, Major Wallace, occupying as he did the important position of Superintendent of the State road, was necessarily thrown in close contact with both General Meade and the Governor, and his relations with both these officials were of the most cordial character.

After the removal of Governor Jenkins and the appointment of General Ruger, Provisional Governor of Georgia, Major Wallace, at the urgent request of both General Meade and Governor Jenkins, retained his position as super-

intendent of the State road, and rendered the people of Georgia much service in softening considerably the roughness of reconstruction. In 1868, after the election of Rufus B. Bullock, Governor of Georgia, Major Wallace resigned his position as superintendent of the State road, and returned to his home at Marietta, Ga. In 1869, as general manager of the firm of Sam Tate and Associates, Major Wallace entered into a contract for building the South and North Alabama Railroad, from Montgomery to Decatur, Ala. The entire management of this work was intrusted to Major Wallace by his associates. The difficulties, both financial and physical, attending this great work, demanded upon the part of the General Manager the exercise of tact, energy and perseverance in the highest degree: the road was completed to the satisfaction of all parties interested. In constructing the South and North Alabama Railroad, Major Wallace had the honor of being the first man who ever crossed the Alabama river with a locomotive. While engaged in building this road from Montgomery to Decatur, he was called to the Presidency of the Northeastern Railroad, in Georgia, but did not accept the position. In the year 1870 Campbell Wallace was elected President of the Georgia Western Railroad, a projected line from Atlanta westward through the coal fields and iron deposits of Alabama, to make connection with the Louisville and Great Southern Railroad at Birmingham, Ala. He accepted the position and moved to Atlanta. This enterprise was under the control of the City Council of Atlanta, and though considered then, and now, of vital importance to the development of the manufacturing interests of Atlanta, was from want of funds abandoned, after grading and masonry had been completed for about thirty miles, at an expense of about \$300,000. So soon as Major Wallace found that the enterprise would not be sustained by the city, he retired from the presidency. On severing his connection with the Georgia Western road, Major Wallace determined to retire from active business and seek the recovery of his physical strength,



which had been overtaxed by the constant strain required in supervising the details of railroad management and construction, but at the earnest solicitations of many friends, he was persuaded to accept the position of President of the State National Bank of Atlanta. Finding it impossible to make a success of the institution, as a National Bank, he withdrew the issue, obtained a charter from the State, and changed the State National to the Merchants' Bank of Atlanta, which under his management has been a success. The fact that the average deposits of this institution have increased ninefold since Major Wallace took charge of its affairs is the best evidence of the confidence of the public in his financial ability and integrity. So great and general is this confidence that we are safe in asserting that if the Merchants' Bank under a State charter were a bank of issue, its bills endorsed by Campbell Wallace, President, would pass in Georgia, Alabama and Tennessee at par with legal tenders. For a number of years Major Wallace was President of the Benevolent Home, of Atlanta, in which position he did much good by placing the institution in a condition to relieve the suffering poor. Campbell Wallace is a devoted and leading member of the Presbyterian church, of which he has been a ruling elder for fifty years. Though a strict keeper of the ordinances of the church, Major Wallace took strong ground in opposition to the Rev. Dr. Leftwich in his crusade against Deacon Frank E. Block, of the Atlanta Central Presbyterian Church, who was indefinitely suspended from church communion for permitting social dancing at his residence. Major Wallace contended that the act of the session, in suspending the deacon, was not in accordance with any church law, he was active in urging appeals from one church court to another, and his views in the case were fully sustained, not only by the Synod of Georgia, but the General Assembly of the Presbyterian Church, which convened in Louisville, Ky., in May, 1879.

In May, 1836, Campbell Wallace was married to Susan E. Lyon, daughter of Captain William Lyon, of "Lyon's View," a beautiful estate on

the Tennessee river, five miles south of Knoxville. The immediate family of Major and Mrs. Wallace consists of two sons and four daughters. Thomas L. Wallace, his second son, died four years since, from the effects of exposure in service during the war. His eldest son, Charles B. Wallace, is general agent for the railroads coming into Atlanta. The third and youngest son is Campbell Wallace, jr., now living on the old homestead in Barton county. The eldest daughter, Mrs. McPherson, is the widow of Rufus M. McPherson, formerly a merchant of Tennessee. The second daughter, Mrs. Mynatt, is the wife of Hon. P. L. Mynatt, a prominent lawyer of Atlanta and member of the Legislature. The third daughter, Mrs. Anderson, is the wife of R. A. Anderson, Esq., General Freight Agent of the Western and Atlantic Railroad. The youngest daughter is the wife of Charles J. Martin, Esq., a merchant in Chattanooga, Tenn.

During the past month, October, 1879, Major Wallace received a most honorable recognition of his ability and experience as a railroad manager, by being appointed, without solicitation on his part, a member of the Railroad Commission, established by the last Legislature to control the railroad transportation of the State. This appointment has been approved, not only by roads interested, but by every class of business men throughout the State, all feeling a perfect confidence that, with Major Wallace in the commission, every interest will be protected. Descended from a hardy and independent race, Major Wallace, at this time (November, 1879), though seventy-three years old, is far more active and vigorous than most men twenty-five years his junior. As president and manager of various railroads, during a period of twenty years, he displayed the highest qualifications; great powers of organization, fine executive ability and marked capacity for controlling men. His management of the railroads under his control during the troublesome time of civil war was a marvel of business tact, knowledge of detail and tireless energy; master of every detail, thoroughly acquainted with the duty of

each employé, personally known to them all, he took a strong interest in the individual welfare of each; though strict and firm when occasion demanded, he was kindness personified, to every one who was deserving. His popularity with all classes of railroad operatives is to-day greater than that of any other man in the State.

As a financier he has no superior in Georgia; his comprehensive grasp of all financial questions seems intuitive. At one time he was spoken of as the probable Treasurer of the Confederate States, in consequence of his pre-eminent financial ability. He is a staunch Jacksonian Democrat, and without being a politician, has always exerted a marked influence in the political affairs of his section. Honorable, high-minded, conscientious and courageous, gifted with strong common sense, sound judgment, decision and firmness, together with a suavity of manner, none occupy a higher place in the confidence and esteem of the people of Georgia, Alabama and Tennessee, than Major Campbell Wallace.

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#### HON. J. P. KING.

##### GEORGIA.

**J**OHAN PENDLETON KING was born April 3d, 1799, near Glasgow, Barron county, Ky., and is the son of Francis King, formerly of Virginia, and Mary Patrick, of South Carolina. Soon after his birth his father moved to Bedford county, Tenn., which being sparsely settled afforded few, if any, advantages for education. He remained in Tennessee until 1815, when he left for Columbia county, Ga., where he had some relatives, and after a short sojourn there made his way to Augusta. In 1817 he had saved, by persevering industry and thrift, sufficient to enter the Richmond Academy, one of the oldest institutions of learning in the United States, and by unremitting attention and assiduity was enabled to acquire a fair education in the short time he could afford to devote to study. Upon completing his academic course he commenced the study of law in the office of Major Freeman

Walker, then a leading lawyer and accomplished orator in Augusta, and was admitted to the Bar in August, 1819, before he had achieved his majority. Major Walker showed himself a kind friend and patron to the rising young lawyer, and on his own election by the Legislature of Georgia to the United States Senate, transferred his practice to young King, and thus materially assisted in securing him the large and lucrative practice which his own ability and scrupulous punctuality in meeting professional engagements was rapidly building up. Anxious to avail himself of the advantages that Europe offered in extending and perfecting his education, in December, 1821, he sailed on his first trip to Europe, where he spent two years in extended observation of men and things, aided by judicious and comprehensive reading and attendance on lectures in Edinburgh and Paris. In the latter city he made the acquaintance of General Lafayette, then about to pay a visit to the United States, whither he had been invited by Congress. The United States Government had offered to send a vessel for the General's special use, but declining this he sailed for New York in the "Cadmus," a fine vessel of the mercantile line, in which Mr. King was also a passenger.

Congress, then in session, made General Lafayette a grant of land in Louisiana, and after visiting Boston, New York, Washington and all the principal cities of the North, the General, in the fall of 1825, visited Augusta. Mr. King had preceded him, and being the only one in Augusta personally acquainted with the General, met him at the steamboat-landing and accompanied him through the city, where he was received with high honors. From Augusta General Lafayette travelled by the tedious stage coaches of those days to Montgomery and New Orleans, passing through the country occupied by the Creek Indians, who turned out in his honor.

The panic year of 1825 greatly increased litigation and enlarged the profits of his profession, and after a few years successful practice he retired in 1829, to give his whole attention to

his large estate and extensive private interests. Judge King, from first to last, while engaged in his profession, showed a striking aptitude for the law and its intricacies, and in the management of cases at once saw and seized the strong points: his mind was of that clear and analytical caste, and his reasoning powers so exact and incisive as eminently to fit him for the discussion of legal propositions. If he had adhered to the law, and his ambition had led him in the direction of professional preferment, he could have reached and would have adorned the highest judicial positions in the land. In 1830 he attended a convention called for the reform of the State constitution, in which the important question of the equalization of the representation was strongly advocated by Judge King; it was opposed, however, by so many local interests that it failed to be ratified by the people. In 1833 he was chosen a member of the Constitutional Convention of Georgia of that year. In this body he greatly distinguished himself; he was a Jackson Democrat, and by his superior talents took the lead of that party in the convention. Before this his reputation had not extended beyond the limits of the county of Richmond, but by his debates in this convention and especially by his discussion with the late William H. Crawford (who was the Democratic Congress caucus candidate for President of the United States in 1824), he rose in one bound to the front rank of the ablest and most eloquent men in Georgia. In the winter of 1833 he went to Vicksburg, for the purpose of examining some inaccessible land in that neighborhood, in the title to which there was considerable complication. In those anti-telegraph days news travelled slowly, and it was not until his arrival at New Orleans, on his way homeward, that he received intelligence that, without being a candidate, he had, in his absence, been elected to fill the vacancy in the United States Senate, occasioned by the resignation of the distinguished statesman, George M. Troup. It was a glowing compliment to Judge King's abilities for the Union Democratic party of Georgia to award him unscouted the successorship to so gifted and accom-

plished a gentleman as Governor Troup, but a still higher one when at the termination of the unexpired term of two years he was re-elected for a full term of six years longer.

In those days the great intellectual gladiators were figuring upon the floor of the American Senate; Calhoun, Webster, and Clay, Benton, Wight, Buchanan, Bayard, and Forsyth were there, and many grave questions were before the country demanding wise and patriotic solution. Andrew Jackson was President, of whom it was aptly said, "his every step was a contest, and every contest a victory;" his was an eventful administration, distinguished by the introduction and fearless maintenance of bold, original policies that arrayed against him the concentrated opposition of the money power and the bitterness of disappointed ambition. It was at a time like this, when not only the questions of currency and finance springing out of the action in regard to the National Bank, but also the questions arising upon the disposition to be made of the public lands, the removal of the Indians across the Mississippi, internal improvements by the general government, the tariff, the French Spoliation bill, the reception of abolition petitions, and many other important questions were demanding settlement, that Judge King entered the United States Senate and took and maintained a high position. Speaking but seldom, he took part in the debates upon most of these grave issues, and at once won position in that body as a man of fine abilities and culture, and as an inductive reasoner and logical debater whose powers were of a superior order. As evidence of this, many compliments from Senators and discussions in which he took part with the ablest in that body might be adduced, but it will suffice to mention that Thomas H. Benton, the great Missouri Senator, himself one of the first men in the country, in his speech on the French Spoliation bill, took occasion to specially compliment the speech of Judge King on the same subject, and, in his "Thirty Years in the United States Senate," pays a further compliment to Judge King by reproducing in it a short debate between him and Mr. Calhoun. Mr.

Calhoun had obtained the appointment of a special committee to which was referred so much of the President's message as related to the mail transmission of incendiary publications, of which Mr. Calhoun was Chairman and Mr. King one of the members. A bill and report were brought in by the committee—the bill subjecting to penalties any postmaster who should knowingly receive and put into the mail any publication or picture touching the subject of slavery, etc. When the report was read a motion was made to print five thousand extra copies of it, and Judge King, in protesting against some of the views advanced by Mr. Calhoun in this report, said, "That positions had been assumed and principles insisted upon by Mr. Calhoun, not only inconsistent with the bill reported, but, he thought, inconsistent with the Union itself, and which, if established and carried into practice, would hastily end in its dissolution." It was no ordinary compliment for Mr. Calhoun to have suggested his name first on that special committee: lesser men than Judge King might have been so flattered by it as not to have been conscious of a subordination of their own views and convictions on grave questions raised in committee to the masterly power and will of this great statesman. Not so with Judge King: nothing could bend or swerve his mental independence, and the debate, which was participated in by Clay, Webster, and others, will show with what vigor and ability he boldly dissented from the great Carolinian. In his speech on the bill to prohibit the sales of the public lands except to actual settlers, one of the ablest delivered on that question, he said: "He viewed the bill as establishing a system of partiality, plunder, and perfidy—a system in which those who had the least merit would make the most profitable speculations. If the bill passed at all, he was indifferent as to the details of it; perhaps it would be better for the country if it should pass in the worst shape in which it had been presented. It was not surprising that it should be popular with those who were to be so greatly benefited by it, but that those whose constituents were to be plundered should tamely

and quietly submit was not and ought not to be expected. But he was much mistaken if this measure could be protected from that discontent and indignation with which the great majority of the United States always visit a course of injustice and oppression. They should recollect that the public lands were public treasure, and belonged as much to the whole people of the United States as the money in the treasury, should be protected precisely in the same way, and should be distributed among the States with as much equality as possible. A very large portion of this property was acquired by the common blood and treasure of the old thirteen States, and the other portion was purchased with the money of the whole derived from taxation on the consumption of the country, the consumers being principally in the old States." Judge King has been from his youth up an eminently practical man. One short sentence uttered by him in passing while making in the Senate a speech of much power on the currency question plainly but fully illustrates his character in this particular. Said he: "We should never resort to theory when we have the lights of experience to guide us." Judge King, though always a thorough Union Democrat, did not at all times approve and indorse every feature of party policy put forth by those who claimed to be the leaders; and he would thus sometimes subject himself to severe criticism and censure from the merely partisan press and politicians. Even in those days of high party excitement and passion he differed from some of the measures of the Jackson administration, for then, as ever through his whole life, he was opposed to what he considered extremes, and always had the fearless independent manhood and honesty to oppose them, even when advocated by his warmest political friends. But the jars and wrangling and constant excitement incident to political life were unsuited to his tastes and habits of thought, and some of the party press of the State having censured unjustly, as he thought, a very notable speech he made against some of the leading measures of Mr. Van Buren's administration, he, in 1837 promptly

resigned the trust committed to his charge and retired into private life. No like abandonment of high political position from personal disgust has occurred in the history of the United States. The monetary affairs of the country through reckless legislation were at this time in a most disordered condition, and immense financial misery existed everywhere. Commercial enterprises in Georgia, as elsewhere, were completely paralyzed, and, the affairs of the Georgia Railroad being in an embarrassed state, he was pressed by the shareholders to assume its management. This road was commenced in 1835, and was projected to connect Augusta with Atlanta by way of Madison, with a branch line to Athens. When Judge King assumed the management, in 1842, it was only completed as far as Madison, and had at one time been quite prosperous, but through bad management had become involved. Having agreed to take charge of its affairs for a period of two years he placed his own private fortune and credit at the command of the company, and ere long, by good management and close economy, put it on a safe and remunerative footing. He completed the main line to Atlanta and the branch to Athens without calling upon the stockholders for a dollar, and the earnings of the road increased to such an extent under his judicious management that, besides paying for many years a dividend of seven per cent., he had, at the beginning of the war in 1861, a surplus of something like \$2,000,000 in hand. During the war, although a large business was done, nearly the whole outfit was either worn out or destroyed; it was impossible to renew the tracks or rolling-stock as they became worn out, and depots, round-houses, machine-shops, bridges, and other works were either blown up or destroyed by Sherman's raiders, the loss aggregating fully \$3,000,000. Of the fifty-two engines in good working order possessed by the company previous to the war but twelve remained in running order at its close, and of the seven hundred and fifty cars in thorough repair at the beginning of the struggle but seventy remained capable of running, and those in very indifferent

condition at the end. In spite of the utter destruction of property and securities of all kinds in the South by the result of the war, Judge King was enabled by good management to realize about \$1,000,000 out of the fragments of the former surplus and to pay every outstanding bill of the corporation. After the surrender, business became very active for a while and the income correspondingly large, and, had it not been necessary to pay dividends to the stockholders, many of whom were largely dependent on them for support, the road would soon have been renewed. As it was, however, the restoration was necessarily very gradual, and only recently has the road and outfit been put in as good a condition as before the war. The connection at Atlanta with the Air-line to Charlotte, and the extension from Athens to Gainesville, on the Air-line, have been sources of weakness rather than strength to the Georgia Railroad; a portion of the stockholders strongly advocated these connections, against the opinion of Judge King, and the loss to the company through the diversion of traffic by these lines cannot have been less than \$500,000.

A few years ago a section of the stockholders became dissatisfied with Judge King's management, principally in consequence of his strong objection to paying dividends unless from the net earnings of the company; and, gathering strength from those who simply desired to use the road for stock-jobbing purposes, they succeeded, in May, 1878, in defeating his re-election to the Presidency, and substituting for him General Alexander. The Georgia Railroad and its branches, with some of its connecting lines, mainly built by its aid, has opened up a large section of country and greatly added to the material wealth and business enterprise of both Augusta and Atlanta, as well as largely developing the resources of the State at large. Under Judge King's management, notwithstanding the universal financial collapse of similar enterprises, it has maintained its high credit, and thus assisted in sustaining public confidence in railroad stock generally; at the present time it holds a higher position than any other railroad in Geor-

gia. As an example of the value of its stock at different periods of its history, it may be interesting to note that when Judge King assumed the presidency, in 1842, the stock was as low as 28; just previous to the war it was quoted at from 105 to 110; after the surrender it had fallen to from 65 to 70; and the present market price is from 71 to 72. Banking privileges were granted by the State to the Georgia Railroad; previous to the war it was a bank of issue, but the present government tax of ten per cent. on the circulation of private banks effectually prevents all but national bank circulation. It has always had a large deposit and discount business, and from the status given it by the wealth and standing of its stockholders ranks probably higher than other banking institutions in the State of Georgia.

Perceiving the absolute necessity of connecting the Georgia Railroad with the southwestern part of the State, Judge King took up the Atlanta and West Point Railroad, and by judicious management made it one of the most prosperous lines in the United States. Built entirely on a cash foundation, it has never borrowed a dollar, and, having more than doubled its capital, continues to pay dividends of eight per cent. yearly. The stock is now above par, and the road has proved itself, under the direction of its President, Judge King, one of the most profitable railroad enterprises in the country, though like other Southern roads it suffered considerable losses during the civil war. During the third of a century that he has been President of this company, Judge King has studiously abstained from politics, but in 1865 he was prevailed upon to take a seat in the Constitutional Convention of that year, where his sound judgment, patriotism and eminently practical wisdom largely influenced its action. James Johnson, of Columbus, was then Provisional Governor of Georgia, under President Andrew Johnson's plan of reconstruction, and all looked forward with confidence to the readmission of the Southern States to the Union on the known liberal terms of President Lincoln; but the disputes between President Johnson and Congress and his subse-

quent impeachment defeated these moderate measures and rendered the work of the Convention nugatory. Judge King was one of a few public-spirited citizens of the city of Augusta who projected the Augusta Canal, which was commenced in 1845, and an influential stockholder in the early days of the Augusta Factory. Commencing life poor and friendless, he has, by his own energy, integrity, physical and mental activity, and unswerving devotion to justice and right, attained the highest place in the confidence of his fellow-citizens, and might have won a still prouder niche in the temple of political fame had not his tastes and inclinations drawn him from the political arena to the financial world, where his remarkable abilities, both natural and acquired, could find fitting scope. A close student and a vigorous and forcible writer, he has from time to time contributed many able articles on important political crises to the journals of the day. Well versed in the public affairs of his own country, in which he is thoroughly abreast of the times, his intimate knowledge of political affairs in the old world is unsurpassed. To his high courage and indomitable will are allied many of the social virtues, and while ever a resolute antagonist, when occasion demanded, he has also been the genial friend and warm sympathizer with human distress and suffering. Thousands can bear testimony to the generous aid which has never been withheld from the needy and deserving, and no man has more rigidly observed the divine injunction, "Let not thy left hand know what thy right hand doeth." He married, in 1842, Miss Woodward, daughter of a New York merchant, and has three children living. His eldest daughter, Mary L., married the Hon. Henry Wodehouse, a brother of the Earl of Kimberley, and at the time of his marriage Second Secretary of the British Legation at Paris, whence he was promoted to First Secretary of Legation at Athens, where he died in 1873. During his residence in Paris, in the stormy times of the Commune, he was on intimate terms with Mr. Washburne, the American Minister to France, and afterwards took great pleasure in acknowl-

edging the kindness and assistance rendered to him by Mr. Washburne in the absence of the head of the British Legation. Miss Louisa King, his second daughter, is honored throughout Georgia for her humanity and benevolence in obtaining the enactment of a State law for the prevention of cruelty to animals, and for her successful organization of the Widows' Home of Augusta; and his son, Henry Barclay King, a graduate of the University of Oxford, owns a plantation and large stock-farm at Battle Creek, Tenn., known as the reservation of the old Indian chief Lowrey. Judge King's brother, Hugh King, is engaged in stock-raising at Pine Bluff, Ark.

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REV. ABRAHAM HOFMAN, D. D.

VIRGINIA.

**A**BRAM HOFMAN was born on the 20th of August, 1822, at Dittlofsrod, Bavaria, Germany. His father was Moses Hofman, a merchant of Dittlofsrod. He received his elementary education in his native town. In Gersfeld, Bavaria, he prepared himself for the university. In 1839 he entered the junior class of the University of Wuerzburg, Bavaria, and graduated from the same in the year 1841. While at Wuerzburg he became a member of the Wuerzburg Musical Institute, of which Professor Froehlich, one of the most renowned musicians of his age, was director.

In childhood Dr. Hofman developed a liking and talent for music. He has ever since delighted in it, and it has been the solace of many leisure hours. After leaving the university he became for three years and a half, an educator in the family of Mr. Wolf Kohn, of Werneck, Bavaria. In this family he spent some of the most happy years of his life. While making it his home in Mr. Kohn's family, he became acquainted with Miss Johanna Kleemann. His acquaintance ripened into friendship and affection, until, in 1848, she became the wife of Dr. Hofman. Four children, two sons and two daughters, all of whom are still living, were the

fruit of this marriage. In 1855 he had to mourn the death of this much loved wife and devoted mother.

In 1845 he received and accepted a call to become pastor of the Jewish congregation of Limburg, now of Prussia. For twenty-one years he continued the esteemed and very successful pastor of this congregation. When he entered upon the pastorate of this congregation it had but twenty-five members; when he left it, it had over forty. The first sermon preached in this synagogue was preached by Dr. Hofman. Its first choir was also introduced by him. He also introduced the first choir into the congregation of the city of Diez. For his highly esteemed services he received from the Diez congregation a valuable silver cup.

In 1866 his Limburg congregation became so flourishing that they bought and entered into a new synagogue. In this year Limburg being added to Prussia, and all the physically sound young men of Prussia being required to enter the army, and Dr. Hofman being unwilling that his sons should do so, influenced also by some other reasons, he determined to come to the United States. Accordingly, in October, 1866, he resigned the pastorate of the Limburg congregation, and on the 27th of that month sailed from Bremen for New York, at which city, after a very pleasant voyage, he arrived on the 12th of November, 1866. Immediately on reaching New York he met his old friend and university room-mate and classmate, Joseph Sachs. He immediately became a member of Mr. Sachs' family, and for ten months aided him in teaching in his boarding-school. Living in this family on the most friendly and affectionate footing, Dr. Hofman and his family spent ten very happy months. At the end of this time, without any previous knowledge on the part of Dr. Hofman, he received a call to become pastor of the Atas Jeschurun congregation, of Philadelphia, Pa.

Of this call, coming so unexpectedly, he accepted, and in September, 1867, he entered upon this pastorate, which he held for one year, at the end of which time he received and accepted the

call of the Baltimore Hebrew congregation. When he had held this pastorate about five years, he was unanimously elected Superintendent of the Hebrew Orphan Asylum of Baltimore. This position he held for about three years and a half to the entire satisfaction of the Board. During this time the Asylum was burned. From the fire Dr. Hofman and family barely escaped with their lives. The Doctor lost in the fire most of his worldly goods, including a library of nearly four hundred volumes.

In July, 1876, unlooked for by him, he received and accepted a call to become pastor of the Bayth Ahabah congregation of Richmond. Of this congregation he is now the honored and loved minister.

In 1856 he married Zepora, daughter of Nathan Straus, of Dittlopsrod, Bavaria. From this union he has two daughters, both living.

In 1841 the degree of Doctor of Philosophy was conferred by his own *Alma Mater*, the University of Wuerzburg.

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### GENERAL L. J. GARTRELL.

#### GEORGIA.

**L**UCIUS J. GARTRELL was born in Wilkes county, Ga., January 7th, 1821. The Gartrells are of Scotch extraction, and originally settled in Maryland. There was but one family of that name, and their descendants are now scattered over the South and West, while there are still some to be found in Maryland. Joseph Gartrell, grandfather of the subject of this sketch, was a farmer, and removed in 1783 from Maryland to Wilkes county, Ga., and his son also, Joseph Gartrell, was a large planter and merchant in that county. He married Elizabeth Boswell, daughter of Dr. Josiah Boswell, a physician and planter, who had removed from Maryland to Columbia county, Ga. Lucius J. Gartrell received his education at Randolph-Macon College, Va., from 1838 to 1841, and at Franklin College, Athens, Ga.,

now the Georgia University, which he left after taking one course, being anxious to begin his career.

Commencing the study of law in the office of Robert Toombs, at Washington, Ga., he was admitted to the Bar at the Lincoln Superior Court in 1842, and having formed a co-partnership with Isaiah T. Irwin, a prominent member of the Bar in that section, commenced practice at Washington, in his native county. In 1843 he was elected Solicitor-General of the Northern Judicial Circuit, holding that office for nearly four years, and shortly after his election entered into partnership with the Hon. Garnett Andrews, for many years Judge of the Superior Court of the Northern Judicial Circuit. Resigning that office in 1847, he was shortly afterwards elected a member of the State Legislature from Wilkes county. He was re-elected in 1849, and at the next session introduced the celebrated "Southern rights resolutions," which embodied in a terse and vigorous form the doctrine of "States Rights" as held by the South, and the grounds upon which that section opposed the aggressive fanaticism of the Northern Abolitionists. Having served four years in the Georgia Legislature, during which he was a leading member of that body and instrumental in passing many important measures identified with the interests of the people of Georgia, he returned to the active practice of his profession in the Northern Circuit until 1854, when he removed to Atlanta. In 1855 he took an active part in securing the election to Congress of the Hon. Hiram Warner from the Fourth Congressional District, and in the course of his thorough canvass of the State combated with all his energy the "Know Nothing" movement which threatened to sweep the country. He was among the first public speakers to take the stump against the doctrines of that party, and delivered his opening speech in July, 1855, at Augusta. In 1856 he was an elector on the Buchanan and Breckinridge ticket. In 1857, Judge Warner declining re-election, Mr. Gartrell was returned to Congress by a large majority, and in 1859 was re-elected by a greatly increased majority. He participated actively in the debates



on all the important questions of that exciting period, remaining in Congress until Georgia withdrew from the Union. On the question of Southern rights he took a bold and decided stand, warning the people of the North that the South was firmly resolved to maintain her constitutional rights at all hazards. While in Congress he was appointed a member of the Committee on Elections and a Regent of the Smithsonian Institution, and was universally regarded as one of the most prominent members of that memorable Congress.

On the passage of the Georgia Ordinance of Secession, January 19th, 1861, he withdrew from Congress with the entire Georgia delegation, with the exception of the Hon. Joshua Hill, who remained. When war became inevitable he organized the Seventh Georgia Regiment, and was unanimously chosen its Colonel. Leaving Atlanta May 31st, 1861, he reported for duty with his regiment to President Davis at Richmond, to whom he delivered a message from Governor Brown, of Georgia, requesting the President, as the men were raw recruits, to allow them to remain in camp there a short time, in order to become properly disciplined and drilled. President Davis replied: "Colonel Gartrell, my experience teaches me that the best place to drill a regiment is in front of the enemy. You will report immediately to General Joseph E. Johnston at Harper's Ferry." Early in June they arrived at Harper's Ferry, and from thence moved to Winchester, Darksville and Manassas, arriving at the latter on the Saturday evening before the memorable first battle of Manassas, fought on Sunday, July 21st, 1861. He commanded in person the celebrated Seventh Georgia, their position being at the Henry House, and was side by side with Colonel Francis Bartow, of the Eighth Georgia, when he was mortally wounded, catching him in his arms as he fell from his horse, and ordering him to be carried to the rear, where he died in a few minutes. The Seventh was confronted and nearly surrounded by the Sixty-ninth New York, the Zouaves, and others, and it was a private of the Seventh who shot the Major of the Sixty-

ninth as he was rallying his men to the charge. The fighting was at very close quarters, not more than eighty yards separating the combatants, and Colonel Gartrell, in order to protect as far as possible the lives of his men, gave the order, "Fall and load, and rise and fire at will," which his men understood perfectly, while the enemy were under the impression, from the number that fell as each file fired, that they had all but annihilated several regiments successively. The banner carried by this famous regiment was presented to it before leaving Atlanta for the front by Miss Carrie Yancey, daughter of Colonel Benjamin C. Yancey, of Athens, Ga., and was known afterwards as the "riddled banner," from the immense number of bullet holes in the flag and staff. It was viewed by thousands after the battle as a curiosity.

Colonel Gartrell's son, Henry Clay Gartrell, a youth of sixteen years old, insisted on following his father to the war, and was killed in this battle. At the close of the day Colonel Gartrell, who had been thrown from his horse and stunned by the explosion of a shell, and reported dead in the early part of the battle, was met by General J. E. Johnston, who was surprised and delighted to find him alive, and by whom he was mentioned in his official report as having greatly distinguished himself in the action.

In October, 1861, while serving with his command, he was elected almost unanimously as a member from the Fourth Congressional District of Georgia to the Confederate Congress, and resigned his commission with the distinct understanding that, should the war continue, he would only serve one term. He took his seat without returning home, and was present at the inauguration of President Jefferson Davis, which took place at the capitol at Richmond, in the presence of an immense concourse of people. Mr. Bocoock, of Virginia, was elected Speaker, and Colonel Gartrell appointed Chairman of the Judiciary Committee of the House of Representatives, in which position he rendered valuable service to the Confederacy. At the expiration of his term he returned to the army, and was made Brigadier-General by President Davis, and

organized four regiments of Georgia Reserves known as Gartrell's Brigade, the command of which he held until the close of the war. When Sherman was on his march from Atlanta to Savannah, these Reserves were stationed at Augusta, which it was thought he would attempt to destroy, but when it was found he had passed by the city, General Gartrell was ordered by General Bragg to report to General Hardee at Savannah. Arriving at Charleston, S. C., he was met by a telegram ordering him to take command of the works at Coosawhatchie, and hold in check General Hatch, who was seeking to join Sherman, and thus cut off Hardee's retreat from Savannah. At Coosawhatchie, S. C., several engagements took place, with some as severe fighting as any that occurred during the war, and on the last of the four days General Gartrell was wounded, and sent back to Augusta. In 1863 he was solicited by a large party both in the army and in the State to allow himself to be nominated for Governor, but declined the honor on the ground that contentions for office in that hour of peril to the country would distract and divide the people.

At the close of the war, all his property destroyed, he returned once more, with courage undaunted, to the practice of his profession in Atlanta, where he has remained ever since, conducting an extensive and successful business, and has gained the enviable reputation of being at the head of his profession as a criminal lawyer in the South. In 1866 he was a candidate for United States Senator, and when within a few votes of election, withdrew for the sake of harmony, in favor of the Hon. H. V. Johnson, who was elected. In 1870 he was prominently spoken of as a candidate for United States Senator, but when it became known that A. H. Stephens desired the position, he declined to become a candidate in a manly and patriotic letter, which was highly appreciated throughout the South, and gained him hosts of friends. Mr. Stephens, however, was defeated by General J. B. Gordon for the Senatorship.

In December, 1873, General Gartrell's political disabilities were removed by Congress, and

in 1877 he was elected a member of the Constitutional Convention of Georgia, in which he bore a very prominent part, being Chairman of the Committee on the Executive Department, and many of its provisions bear the impress of his clear judicial mind. General Gartrell has the largest practice in Georgia, both in common and criminal law. He was the leading counsel in the celebrated trials of Rufus P. Bullock, late Governor of Georgia, for crimes alleged to have been committed while he was in the Executive office, and for which he was tried a few years ago; and he has appeared in hundreds of cases of homicide and other crimes. While no lawyer stands higher in Georgia in general practice, General Gartrell stands without a peer as a criminal advocate. Forcible in argument, solid in debate, he moves a jury with a strong magnetic power that compels their sympathy, while his thorough knowledge of the technicalities of the law convinces their understanding. Quick to seize the salient points, and never at a loss to parry unexpected attacks from his opponent, his ability in the management of cases, the examinations of witnesses, and devotion to the interests of his client, have gained him a reputation that few can equal in the South. Thoroughly identified, as he has always been, with the best elements in his native State as a legislator, a soldier and a citizen, it is not surprising that his great personal popularity among all classes should cause his name to be prominently mentioned as the choice of the people of Georgia for the next vacancy in the highest position in their gift—that of the chief executive officer.

General Gartrell has been twice married: first on November 14th, 1841, to Louisiana Olivia Gideon, daughter of Francis Gideon, of Athens, Ga., by whom he had eight children, of whom two are now living—Francis Bartow Gartrell, merchant, and Joseph E. Gartrell, attorney-at-law, both of Atlanta; and second, on July 10th, 1855, to Antoinette P. Burke, daughter of Littleton L. Burke, of La Grange, Ga., by whom he had eight children, five of whom are now living.

## DR. GASTON.

## ALABAMA.

**J**OHN B. GASTON\* was born January 4th, 1834, in Chester county, S. C., and is the son of Dr. John B. Gaston, an eminent physician of that county. The Gastons are of French descent, and their ancestors are noticed in history as distinguished and zealous adherents of the Huguenot cause in the early part of the seventeenth century. John Gaston, from whom the subject of this sketch is seven removes in direct lineal descent, sought refuge in Scotland after the revocation of the edict of Nantes. The family afterwards migrated to Ireland, where John Gaston, a descendant of the preceding and great-grandfather of the present Dr. John B. Gaston, was born; he emigrated to the United States about the year 1730, and having some time afterwards married Esther Waugh in Pennsylvania, removed about the year 1750, with some of the Scotch-Irish families, to South Carolina and settled upon the Catawba river. His homestead was near this river, and known then, as it is now, by the name of Cedar Shoals. John Gaston, who was familiarly called Justice Gaston, from having been a justice of the peace under British rule, although advanced in years, took an active part in the war for Independence, and urged his patriotic band of sons, nine in number, and all his neighbors to a vigorous defence of their rights. Seven of his sons were engaged at the battle of Fort Moultrie on Sullivan's Island, and three were killed at the battle of Hanging Rock, while another, who was a lieutenant in the Revolutionary Army, fell a victim to small-pox in Sumter's retreat from Wright's Bluff. When news of the death of her sons reached Mrs. Gaston, she said: "I grieve for their loss, but they could not have died in a better cause." Joseph Gaston, the youngest son of Justice Gaston, was the grandfather of the subject of this sketch; he took part,

\* The facts referring to the ancestry of Dr. John B. Gaston were gathered from "Women of the Revolution," by Mrs. Ellet.

at the age of sixteen, with his brothers in the battle of Hanging Rock, where he received a severe wound in the face, carrying the scar to his grave. He afterwards became a successful planter, was a member of the State Legislature from his district, and died at a good old age in 1836. Mary Buford McFadden, the wife of Dr. John B. Gaston, senior, was a native of South Carolina and of Scotch descent. Five of their sons were in the Confederate army at one time, of whom Captain I. Lucius Gaston and W. H. Gaston, both of the Sixth South Carolina Infantry, were killed in battle; and Isaac N. Gaston of the same command died while in the service. Dr. John B. Gaston, the younger, received his primary education at Cedar Shoals Academy, Chester county, and entered the South Carolina College, Columbia, S. C., of which institution four of his brothers were graduates, in 1849, and graduated thence in 1852. Among his classmates at the college were Judge Joshua Hudson, now of the Circuit Court of South Carolina; Leroy F. Yeomans, now Attorney-General of South Carolina, and Samuel W. Melton, Attorney-General of South Carolina in Governor D. H. Chamberlain's administration. He commenced the study of medicine in Columbia, S. C., under his brother, Dr. I. McFadden Gaston, now of Brazil, and in the fall of 1853 went to Philadelphia, where he entered the Medical Department of the University of Pennsylvania, and in addition to attending the regular course of lectures, received private instruction from Dr. John Neil. He graduated from the University M. D., May 5th, 1855. Commencing the practice of his profession in York county, S. C., he remained there until May, 1857, when he removed to Montgomery, Ala. In July of that year he formed a partnership with Dr. Nathan Bozeman, now of New York, which remained in force for two years, when Dr. Bozeman left for New Orleans. Dr. Gaston continued to conduct a general practice in Montgomery until January, 1861, when he was commissioned by Governor Andrew B. Moore Surgeon of the State Militia, and was ordered to Fort Morgan at the entrance of Mobile Bay. He remained there about two

months, and on July 19th was appointed Surgeon in the Fourteenth Alabama Regiment and accompanied it to the Potomac, where it formed part of General J. E. Johnston's army. He was present with his regiment on the march through the Peninsula to meet General McClellan, and afterwards as they fell back on Richmond, and through the terrible seven days' fight around that city. He participated in the second battle of Manassas, Sharpsburg, Fredericksburg, Chancellorsville and Gettysburg. After the latter battle, in July, 1863, he was appointed Surgeon of General Wilcox's brigade with the title of "Senior Surgeon of Brigade," and with it took part in all the battles from the Wilderness down to Petersburg. Soon after his arrival there he was ordered to Richmond and placed in charge of the Alabama division of the Howard Grove hospital, a very extensive institution, of which his division alone contained five hundred and fifty beds. He had sixteen pavilions and several tents under his supervision, besides having a number of assistant surgeons under his control. He remained in charge there until the surrender, when he returned South, stopping for some months with his relations in North Carolina. In November, 1865, he arrived at Montgomery, which he had never visited since he left for the front four years before, and recommenced the practice of his profession in partnership with Dr. W. I. Holt, with whom he remained associated until 1870. Since that time he has conducted a large and increasing practice by himself. At the annual session of the Medical Association of the State of Alabama, held in Mobile, March, 1869, Dr. Gaston, as annual orator, delivered the first annual address after the reorganization of the Association, in which he proposes the question: What is life? or rather, what are the dynamical agencies of life? After briefly reviewing the opinions of some of the most distinguished schools in reference to that question, he says:

"Horace, writing of the proper structure of a dramatic composition, tells us, 'Let not a God be introduced unless a plot happen worthy such an unraveller.' This rule is equally applicable

to science. So long as the dynamical agencies with which we are acquainted, or modifications of them, can be applied in a legitimate and reasonable interpretation of the phenomena of organic life, let no soul, no Archæus, no independent, self-acting vital principle be brought into the arena of physiology. The apparent great dissimilarity between the organic and inorganic processes seems to be the principal ground for the denial that they are due to the same or correlative agencies. This denial proceeds upon the assumption that phenomenal differences, dissimilitudes in appearance, afford conclusive evidence of want of common origin and substantial identity. In the further discussion of this subject, abundant illustration of the contrary of this proposition will be observed in the mutual convertibility of forces, and in the totally different manifestations of correlative dynamical agencies.

"For the present, only a single example, in a familiar substance, will be offered. No one, at all familiar with the hardness, brilliancy and beauty of the diamond would ever suppose, judging from sensible properties, that it was in any way related to its less precious, but not less useful congener, the common charcoal; or that either or both could possibly be identified with plumbago. Yet they are all well-known allotropic states of a single substance—carbon. He who believes that the organic or vital forces are derived from physical forces—the forces of inorganic matter—must expect to encounter the same sort of difficulties in it, as in believing that the matter of organic bodies is derived from the inorganic world. And, conversely, he who denies that the organic or vital forces are derived from the physical forces on account of these difficulties should, on account of the same sort of difficulties, deny that the matter of organic bodies is derived from the inorganic world. For if we examine the anatomy—the color, form, texture, and composition—of the various tissues of the body, together with their wonderful combination to form a complete individual, we cannot but conclude that the gulf which separates the matter of which they are formed from inor-

ganic matter, is not less wide than that which separates the vital from the physical forces. But we know that the matter of organic bodies is derived from the inorganic world; and that after death it again returns to the condition whence it came. There is, therefore, a mutual convertibility. And I am thoroughly persuaded that there is a like relation between the forces controlling the movements of inorganic and organic bodies. In the world's great crucible, and in the crucible of the chemist, bodies may decompose and lose their identity; but the economist of nature gathers up each atom, and reserves it for a future, and perhaps for a nobler use. So it is with force. Man may come, and man may go, but the forces which animate his body are as indestructible as the everlasting hills. Before proceeding further, let us endeavor to exalt ourselves to the conception of force. And, since heat is the most familiar mode of force, let us inquire what is heat? 'When I say of motion that it is the genus of which heat is the species, I would be understood to mean, not that heat generates motion, or that motion generates heat (though both are true in certain cases), but that heat itself, its essence and quiddity, is motion, and nothing else. Heat is a motion, expansive, restrained, and acting in its strife upon the smaller particles of bodies.' This language, embodying the results, as it were, of a philosophical inspiration, was used by Bacon, more than two hundred years ago; and it is the language in which experimental philosophers of to-day express their conception of the results of the most careful experiments on this subject. If I strike upon a bell, and, after listening to its clear, musical note, ask, what is sound? you will at once reply that sound is due to vibrations transmitted through the atmosphere to the ear. But when I strike a smaller bell, the vibrations are more rapid and the note is higher. And if I have a series of bells of graduated sizes, I can, by striking them in succession, sound all the notes of the musical scale. This is actually done by the Swiss bell-ringers. Sound, then, is a *mode of motion*; and in the gamut we have a scale of notes depending upon the rapidity of the

vibrations. The lowest note of the piano is produced by 28 vibrations per second, and the highest note of the piccolo flute by 4,752 vibrations per second. If I ask, what is light? your minds revert at once to the undulatory theory established by Young and Fresnel, which represents light as undulations transmitted through a special medium or *ether*. This ether pervades all space, as well as inter-atomic pores of every substance, as the intervals between the heavenly bodies. 'The length of waves both of sound and light and the number of strokes which they respectively impart to the ear and eye have been strictly determined.' Red undulations shock the retina of the eye with almost incredible rapidity—450 billion times per second; and going through the spectral colors the undulations gradually but rapidly increase up to violet with 800 billion vibrations per second. Light, then, is a *mode of motion*; and in the solar spectrum we have a scale of colors depending upon the rapidity of the undulations.

"But suppose I discharge a musket-ball against a plate of iron, and, on finding it hot, ask, what is heat? our conceptions, probably, will not be so clear as in regard to sound and light; not because the subject is more obscure, but because we are less familiar with it in this new relation. What are the facts? A body in rapid motion has been suddenly arrested, and a shock, a quivering, shivering motion, has been communicated to the particles of matter composing the ball and the plate. Molecular motion is the condition. Heat is the result. Heat, then, is a *mode of motion*. And, as in the musical scale, and in the solar spectrum, we have scales representing the rapidity of the undulations, the motions constituting sound and light, so, in the thermometer, we have a scale representing the rapidity of that mode of motion called heat. . . . If after admiring a stately and beautifully proportioned edifice, we inquire as to the immediate conditions of its construction, it will be found that it is the result of a series of well-directed movements impressed upon building materials, in accordance with the plan of an architect. So, too, a scrutiny into man's body

discovers a series of movements in matter in accordance with the plan of the Great Architect of the universe. But, who are the builders—who are the laborers that toil without ceasing, in this mysterious temple of the soul? The soul and an independent vital principle have already been excluded. We are, therefore, left to deal exclusively with those forces, and modifications of them, with which we are more familiar, in their relations to inorganic matter. The ultimate fact of these forces, so far as it is knowable—so far as observation and experiment have determined—is *motion*. The ultimate fact of the organic forces, so far as knowable, is also *motion*. There is, then, a generic unity of the forces of the organic and inorganic world. Motion, therefore, is the genus. Heat, light, electricity, and other modes of motion—all mutually convertible—are the species. There is harmony in this doctrine. There are unity and variety in this law. These constitute the order and beauty, not only of this law, but of the great law of the universe. Gravity sustains planets and satellites. A sparrow does not fall to the ground without it. In the year 1837, Professor Samuel Jackson propounded, for the first time, in an introductory lecture to the students of the University of Pennsylvania, one of those brilliant and profound thoughts which shed lustre upon the mind which produces them, and upon the era which gives them birth. These are his words: ‘Physical phenomena, according to the class they belong to, are referred to a few simple laws—as of gravity, of affinity, of galvanism, of electricity, of magnetism; all of which, it can now be scarcely doubted, are themselves but modifications of one great law or force. The force, producing physiological or organic phenomena, may be no more than *a modification of the same ruling power displaying its activity in organized matter.*’ In the same lecture the proposition was laid down that the causes and actions ‘which, in inorganic bodies, constitute physics, in organic bodies, constitute physiology—or, as it may be more aptly termed, *organic physics.*’

“These views constitute, so far as I am informed, the dawn of a new mode of philoso-

phizing with regard to the dynamical agencies of living beings. . . . Light, which presents in the spectrum, thermal, luminous, and chemical rays; which causes hydrogen and chlorine to combine with explosive violence, and which decomposes certain chemical solutions—a fact utilized in photography—would naturally be supposed to produce some effects on the ever-changing matter of organic bodies. There is, in its effects upon animals, little that is tangible; yet, no physician of observation will deny its importance. In vegetable physiology, its effects are most conspicuous. Through the influence of the sun’s rays the leaves of plants produce, from carbonic acid, water and ammonia—all binary compounds—those more highly developed proximate principles from which their tissues are constructed. The ether, whose undulations constitute light, pervades the whole organism, and, although luminous rays do not, as such, penetrate the body, may not resultant, correlative rays—or may not the invisible, ultra violet, chemical rays of the spectrum (which are powerful agents in photography), penetrate the bodies of animals and produce those effects, not yet isolated, so important to their health and vigor, and to which light is essential? . . . But, beside those phenomena of living beings which can be referred to physical, chemical, and mechanical agencies, there are others, appertaining exclusively to living organisms, such as ‘growth or nutrition, and the development of typical organic forms from a formless material;’ and others still, such as nervous excito-motor force and muscular contractility, predicable only of animals; none of which can be referred to any of the modes of force with which we are familiar in the inorganic world. Neither heat nor light, nor electricity, nor magnetism, nor gravity; neither one nor all of the physical, mechanical, and chemical forces could ever construct those matchless optical and acoustic instruments, the eye and ear, differentiated in their organic forms and anatomical structure, and endowed with special sensibility, as we find them in the higher orders of animals. Are the physical

forces, therefore, excluded? Does this affirmation involve a negation of the persistence of force? By no means. Just as heat is modified by the media through which it acts, so as, in one case, to produce mechanical force; in another, electricity; and, in a third, chemical affinity; all presenting different phenomena—so may the modes of motion known as physical be so modified, by the media found in the embryo and fully developed body, as to produce all those dynamical phenomena which are peculiar to organized beings. In the locomotive, fuel is consumed exclusively for dynamical purposes. In living organisms, food supplies the building or nutritive materials, and also the constructive force. In physics, heat has its '*mechanical equivalent*.' The heat which raises one pound of water one degree Fahrenheit in temperature will, if applied mechanically, raise a pound weight seven hundred and seventy-two feet high; or seven hundred and seventy-two pounds one foot high. And conversely, a pound weight, falling through seven hundred and seventy-two feet will, when arrested, produce heat sufficient to raise one pound of water one degree. These are well-determined facts. In vegetable physiology, heat has its *constructive or formative equivalent*. In animals, it combines the two. In them it is the source of both *motor* and *formative forces*."

In December, 1874, Dr. Gaston published in the *Richmond and Louisville Medical Journal* a Review of the Transactions of the Medical Association of the State of Alabama in its Twenty-seventh Session. In reviewing the paper on yellow fever by Dr. R. F. Michel, of Montgomery, he notices the former's *conspicuous impartiality* in arraying himself under the banner of the non-contagionists, and in the same sentence saying that he "believes as much in the local origin as in its being an exotic;" and, conclusively demolishing the doctor's claim that "The characteristic features of black vomit were first insisted upon by Dr. Middleton Michel in the *Charleston Medical Journal*, May, 1853," points out that, in 1740, Dr. Henry Warren asserted that black vomit was "mortified blood,"

and that numerous other writers had anticipated in every essential distinctive quality Dr. Middleton Michel's description of the black vomit. He instances Dr. I. C. Nott, who, in the *American Journal*, April, 1845, writes: "Black vomit is blood exhaled in its natural state from the capillaries of the stomach, intestines, and even the bladder, and changed black by the secretions with which it comes in contact; this chemical change, my facts go to show, is produced by one or more acids." In a brief analysis of Dr. Jerome Cochran's paper on "The White Blood-corpuscle in health and disease," he says: "It is to be regretted, we think, that the term cell has been so extended in signification as to embrace the homogeneous amœboid particle of living matter which is now regarded as the unit of organization. Authority, however, has so decreed it; and, although its derivative meaning and common sense suggest ideas and geometric forms which find no illustration in the white blood-corpuscle, we are taught that this corpuscle—without a cell-wall, non-nucleated and non-differentiated—is a simple cell." . . . "The most sweeping generalizations of biologists, however, are embraced and followed unhesitatingly and with unswerving fidelity to their logical extremes. Not only is the somewhat startling proposition 'that living matter is always and everywhere of the same identical nature; the same in its chemical constitution; the same in its physical properties; the same in its vital endowments' accepted as a 'scientific demonstration;' but the identification of the white blood-corpuscle and the amœba—a legitimate deduction from the foregoing proposition, we believe—is adopted and unqualifiedly affirmed. 'Yea, verily, it is an amœba,' says the doctor. Now, is it legitimate to conclude because, with the various analytical appliances at our command, including the microscope, we can discover no difference in the living matter of plants and animals, that, therefore, they are absolutely identical? because, forsooth, they seem to be the same—that their identity is a scientific demonstration, to question which would be an evident absurdity? We think not.

Do not the differentiations which follow close on this state of primal uniformity afford some ground to suspect that there may have been unobserved, transcendental differentiations in the living matter itself? Are there not good reasons for believing that the germs of a conferva and of an oak, of a zoophyte, and of a man—all microscopically identical—are, after all, somehow or other not exactly the same thing? Let us hypothetically transpose these factors of organization. Would the germ of an oak, resting upon the *membrana decidua*, so develop and so differentiate under the influence of the new circumstances and incident forces as to form a man? Would the fertilized human ovum, placed in the *embryo-sac* of the plant, develop and grow, and spread its branches, a shade and resting-place for the displaced and wandering plant-germ now developed into a man? Who can tell? That either of these results would happen is certainly not a scientific demonstration. That either of them would not happen is, we believe, the verdict alike of common sense and rational philosophy. It may be claimed that the identity of living matter, always and everywhere, is a fact of observation which should not and cannot be ignored until some heterogeneity is discovered.

“But it should also be remembered that the subsequent differentiations of said matter are also facts of observation which cannot be ignored. And in the explanation of these it seems quite as philosophical to invoke the aid of transcendental differences in the primal, living matter itself, as to throw the whole responsibility on the incident forces. Symmetrical diseases of the skin show that every part of the skin is different from every other part, except its symmetrical part, and there is no proof that even symmetrical parts are identical in structure. Symmetrical diseases of the bones illustrate the same fact with regard to the osseous system. And although inappreciable to us by the most delicate chemical and microscopic analyses, there may be heterogeneity in the living matter of plants and animals. We can scarcely conceive of living matter more free from the dis-

turbing influences of varying circumstances and forces than the segmentation-spheres of the ovum. Nevertheless, in them the most striking differentiations are inaugurated. ‘They march like soldiers to their appropriate places’ in forming the blastodermic layers of the embryo; and this is but the beginning of a series of unparalleled differentiations observed during the development of the embryo and fœtus. Not only are we taught the universal identity of living matter, the identification of the white blood-corpuscule and the amœba, the invariable community of character of the white blood-corpuscule with the lymph and pus-corpuscles, but the rigorous identification of the white blood-corpuscule with the germinal vesicle and the segmentation-spheres of the developing ovum, is a speculation upon which Dr. Cochran especially insists. In view of these conclusions, he may well exclaim, ‘The stone so long rejected of the builders has become, indeed, the head of the corner; the foundation stone upon which must be constructed the whole edifice of the physiology of the future.’” A distinguished authority in the profession speaks of this review in the following high terms: “I find it to be almost a model of what such a paper should be, showing that the doctor has read with thorough appreciation the articles he undertakes to notice, and he discusses them from the stand-point of a competent knowledge of professional literature in relation to the special subject of each one of them. The style is terse, clear, strong, elegant, analytical and critical in the best sense of the word.”

Dr. Gaston has never taken an active part in politics; he has, however, felt a deep interest in public affairs, and at times has participated, through the public press, in the discussion of questions which were prominently before the people of his State. The following discussion, in which he writes over the signature of “X. Y.,” is introduced as interesting and important, because it illustrates the changed status of the secession question, which had been prominent and fundamental before and during the war between the States. The Convention of 1875 had stricken from the Bill of Rights a



clause, introduced by the Convention of 1868, which declared "That this State has no right to sever its relations to the Federal Union," and had substituted the following: "This State shall never claim or exercise any right to sever its relations to the Federal Union." At this stage of legislation on the subject, the following discussion commenced. Afterwards this clause was reconsidered, and "This State accepts as final the established fact that from the Federal Union there can be no secession of any State" is now the declaration of the Bill of Rights of Alabama on this subject.

*"This State has no right to sever its relations with the Federal Union.*

"EDITORS ADVERTISER: Is the above proposition correct? War in its last analysis is a bloody conflict of great ideas. In the late war between the States the South asserted and the United States Government denied the right of secession. The *assertion of the right* and the *denial of the right* were placed in direct conflict, and the case was adjudicated by the sword. The *denial of the right of secession* triumphed, and its assertion was surrendered. In surrendering its arms and armies to the United States Government and accepting a place under said government, the South ceased to assert the right of secession and accepted the doctrine of the victors, to wit: that no State has a right to secede from the Union. Is this a correct statement of facts and logical results of the war? If it is, 'This State has no right to sever its relations to the Federal Union,' and the incorporation of this proposition in the Bill of Rights would be a simple statement of a fact of history. This State, we believe, once had the right to secede, but in surrendering her armed assertion of the right, she surrendered the right itself. If the people of the South had sat in convention with the representatives of the 'loyal' States, and had recorded their votes in favor of the dominant doctrine, they would not have bound themselves more firmly to its recognition than they have done by their surrender and their subsequent acts.

"X. Y."

"EDITORS ADVERTISER: In your morning paper 'X. Y.' asserted the correctness of the above proposition, and undertook to establish his theory by a conclusion drawn from premises which will not stand the test of correct logic. He says: 'The *assertion of the right* and the *denial of the right* were placed in direct conflict, and the case was adjudicated by the sword. The *denial of the right of secession* triumphed, and its assertion was surrendered. In surrendering its arms and armies to the United States Government and accepting a place under said government, the South ceased to assert the right of secession.' To this the writer assents as correct, but I do not agree that his next proposition contains a correct proposition, and in that consists the sophistry of the argument. He says, 'and accepted the doctrine of the victors, to wit: that no State has a right to secede from the Union.' The South accepted the *fact* that a State *could* not secede. Let us make no mistake here.

"Z., ETC."

"EDITORS ADVERTISER: Right in its broadest sense is conformity to law. Rights are civil, political, religious, natural, etc. An 'established fact,' in regard to the conduct of persons or State, is a rule of action—the law of the thing. After a law has been 'accepted,' can there be any right in the accepting party to do what the law prohibits? 'Let us make no mistake here.'

"X. Y."

"EDITORS ADVERTISER: In the first article of 'X. Y.,' he undertook to show that 'this State has no *right* to secede,' and to make good this conclusion he asserted, as a necessary premise, that 'the South accepted the doctrine of the victors, to wit: that no State has a right to secede.' The South having accepted the 'doctrine' that a State 'has no *right*' to secede, *ergo*, 'X. Y.' says that proposition should be put in our new Constitution. But when attention is called to his mistake, which consists in his supposing that people who once thought that a State might rightfully secede, have not only 'ceased to *assert*' that right, but have 'accepted the *doctrine* that no State has a right to secede,'

and seeing that this is by no means a necessary sequence, 'X. Y.' now seems to be seeking more sea-room, in that he now claims the 'broadest sense' of the terms used by him—which, by the way, we suggest, is not quite safe in the work of constitution-making—and so, to patch his logic, we now have, under the head of 'What is a Right?' a definition of that term; and we are told to consider it as used in 'its broadest sense'—*i. e.*, 'conformity to law.' Very well, let us substitute the definition for the word used, and see the result. The proposition would then read, this State cannot, in 'conformity to law, sever its relation,' etc. In answer to the proposition as now put, we will ask a question of two words: What law? If the country was now in a state of war, it might be claimed that by the law of war, or *vis major*, a State has no right to secede; but we all know that our delegates have already, by solemn resolve, thanked God that the people of Alabama do now enjoy the right to govern themselves. 'X. Y.' not only insists on the 'broadest sense' of the word 'right,' but he claims the right to define the terms used by the writer, in order to help himself out of this difficulty; and now let us see whether his proficiency at defining is not worse, if possible, than his logic. He says 'an established fact, in regard to persons or State, is a rule of action—the law of the thing.' It will be seen that 'X. Y.' uses the terms 'established fact' and 'law' as synonymous. Let us see: every law is 'an established fact;' but does it follow that every established fact is a 'law,' any more than every animal is an elephant? A being a strong man, well armed, meets B on the streets, knocks him down and ties him hand and foot, takes his purse and leaves him to get up the best he can. That B has been brutally bruised and robbed, is 'an established fact;' but who will call this 'a rule of action,' or a law? True, Blackstone defines a law to be a rule of action, and we all know that all rules of action must be 'established facts;' but it does not follow that *all* 'established facts' are rules of action, or laws. In the case put, A's 'doctrine' may be that B is a

trifling fellow, and has no rights which he (A) is bound to respect, and therefore A pretends to maltreat B and take his property. B resists A's claim, or 'doctrine,' by force, until finally he, by mere *vis major*, is put to the necessity of ceasing opposition, and B carrying out his 'doctrine' by leaving A bruised, helpless and despoiled. Can it be justly said that B accepts A's 'doctrine?' To accept a doctrine means to adopt it, or to receive with approbation or favor, to value or esteem. Many wrongs may become 'established facts,' but it does not follow that a *wrong* can ever become *right*, however long continued. I may give my assent to the fact that a great wrong has become 'an established fact,' and make up my mind that it can never be altered, as a matter of opinion, just as I believe the South has done about secession, but it does not follow that I accept the principle upon which the wrong is based—the 'doctrine' if you please. Truly, 'let us make no mistake here.'

"Z., ETC."

"EDITORS ADVERTISER: Your correspondent 'Z.' and the writer of this communication agree that secession is dead, and the unwelcome task of again raising the mantle and displaying the wounds of this slain Cæsar may be neither attractive to your readers nor profitable to the State. With an aim, however, at some good results, and with no desire whatever for a dialectic triumph, I propose briefly to review your correspondent's position, together with Section 36 of the proposed Bill of Rights. I was a secessionist, and when our armies surrendered in 1865, might truly have said, 'My heart is in the coffin there with Cæsar.' Such considerations, however, should not bind us in a sentimental adhesion to principles which once obtained, but have long since been lost and overthrown; but should impel us to a candid investigation and a cheerful acceptance of our present relations with the general government.

"Your correspondent, 'Z.,' constructs a specious but superficial and utterly unsound argument for the right of secession out of a little assault and battery case which he gets up between A and B. There is no analogy whatever be-

tween the legal relations and effects of an ordinary rencounter betwixt two individuals, and the legal effects and relations of war between nations. The one is in violation of all law, human and divine. The other is the legally recognized mode of prosecuting the rights and redressing the grievances of great political powers. When the rights of individuals are invaded or denied, they must, except when in great bodily danger, resort to the legislature or the courts; and when the case has been decided, neither party has a right to violate the decision which has been rendered. When the rights of a nation are invaded, or when nations disagree with regard to their rights, there is no appeal except to arms, and when once the doors of the Temple of Janus have been thrown open, the results of the conflict must be accepted as legal and right. The analogy between the two last-mentioned cases is complete, and the binding effect of the results is the same in both. Vattel, p. 385, 'Law of Nations,' says, 'by the rules of the voluntary law of nations, every regular war is on both sides accounted just as to its effects.' If 'Z.' had been seeking an analogy in ordinary life for the conduct of the bandit or the pirate, his effort with A and B would have been exceedingly happy; but as his object was entirely different, it simply illustrates his want of familiarity with the just analogies and great principles of the law. Your correspondent 'Z.' seems not to have any very definite idea as to what really constitutes right. He estimates the quality of an action by a sentiment instead of a rule. With him right certainly is not 'conformity to law,' and is, I am disposed to think, one of the original data of the 'Philosophy of the Bones.' Over one of my poor sentences, after inadvertently leaving out two somewhat important words in quoting it, 'Z.' has achieved an easy triumph. But I am free to say that the sentence as it originally stood is defective, and liable, possibly, to the criticism which was so well made against its somewhat mutilated representative. As will be seen in the sequel, however, the fault was not in the material at hand for the argument, but in my want of skill in using it. Section 36 of the Bill

of Rights in the Constitution of Alabama declares that 'this State has no right to sever its relations with the Federal Union;' and the present Convention of the people, by altering this clause, has by implication denied either the policy or the correctness of the proposition therein contained. It is believed that this clause, expressing as it does a limitation upon the rights of the people, never should have been placed in the Bill of Rights. It expresses not a right, but a disability, and the instrument containing it is, consequently, not a Bill of Rights, but a Bill of Rights and disabilities.

"But since two Conventions of the people have seen fit to make declarations on this subject, it may be well to inquire which declaration is true, and which, if either, is false. The present Convention (36th Sec. Bill of Rights) declares that 'this State accepts as final the established fact that from the Federal Union there can be no secession of any State.' This section makes a declaration not with regard to the right to secede, but with regard to the ability—the power to secede. It tells us not what is right, not what is lawful, but what is possible, or rather what is impossible. The language is unqualified, 'There can be no secession of any State.' If we question the propriety and fitness of the *negation of rights* to the people in the present Bill of Rights, what must we think of the attempt on the part of the Convention now in session, to determine the possibilities of the strength and power and will of States and their incorporating conclusions on this subject in the Bill of Rights? The fate of the Confederate States tells us what has been on this point; but no human sagacity can tell what can be, or what cannot be in future. It cannot properly be pleaded that the Convention meant to say that there can be no rightful nor lawful secession of any State, for these words, or expressions of similar import, have been so studiously rejected or avoided, that their implication would do violence to the entire history of the proceedings of the Convention on this subject. Verily, the declaration contained in this 36th Section of the proposed Bill of Rights is the most se-

rious attempt at fortune-telling known to modern history. The Convention should prescribe the principles which are to govern the State; but it should neither speculate nor prophesy in reference to the possibilities of the power of this or any other State. Is the declaration of the Convention of 1868 correct? Is it true that 'this State has no right to sever its relations with the Federal Union?' In the late war between the States, the South affirmed, and the United States Government denied, the right of secession. The *assertion of the right* and the *denial of the right* were placed in direct conflict, and the case was adjudicated by the sword. The denial of the right triumphed. In surrendering its arms and armies to the United States Government, and accepting a place under said Government, the South ceased to assert the right of secession, and accepted the doctrine of the victors, to wit: That no State has a right to secede from the Union. The battle-field is the great international court of appeals; and if the South and North, by agreement, had submitted the case to the decision of a civil court, and the dominant doctrine had been the judgment of the court, this State would not be more firmly committed to its rightful authority than she has been by her surrender and subsequent acts. But it is objected that the Southern States accepted simply the *fact* that a State *could* not secede, but have not surrendered the right of secession. In order to answer this objection, it is necessary to inquire what is a right? Right is conformity to law. Rights are civil, political, natural, social, etc. A fact regulating the conduct of persons or States is a rule of action—the law of the thing. If a law is accepted, it is binding on the accepting party; and there can be no right in said party to do what the law prohibits. 'By the voluntary law of nations every regular war is on both sides accounted just as to its effects.' The Convention admits as an established fact 'that the rule governing the conduct of this State with regard to secession, is against secession.' It also admits that the State of Alabama has accepted and now 'accepts' this rule 'as final.' Now can there be in a State which acknowledges that

the law is against secession, in a State which 'accepts' said law 'as final,' any right to do what said law prohibits? If not, the State of Alabama has no right to sever its relations with the Federal Union. "X. Y."

The foregoing argument appears to be conclusive in its denial of the right of secession. The Convention, however, although admitting that the power to secede has been crushed, seems to have had rather confused ideas with regard to the status of the *right*; or, at any rate, it was unwilling to commit itself to the denial of the right made by the Convention of 1868. To the *American Journal of Medical Sciences* of January, 1876, Dr. Gaston contributed a paper on the "Medico-legal evidence of Independent Life in a new-born child," which excited a great deal of attention. He cites two cases which occurred, one in an American and the other in an English court, in which the point at issue was to determine the legal evidence of life in a new-born child. Both the American and the English courts agreed that the beating of the heart of an infant after the severance of the umbilical cord was conclusive of the independent extra-uterine life of the child, and as this judgment depends upon the testimony of medical experts, Dr. Gaston proceeds to inquire whether the decision is or is not consistent with a just interpretation of the phenomena of organic and animal life. He says:

"Of the great functions of organic life, respiration and circulation appear to be the conditions most unremittingly essential to the life of the higher order of animals. Respiration which, in general terms, is the evolution of carbonic acid from the fluids of organized beings and the absorption of oxygen from the surrounding medium, exists alike in the vegetable and animal kingdoms. All plants and all animals perform essentially the same respiratory function. It is an essential of organic life. Circulation, on the contrary, is not an essential of organic life. The simplest organisms, both animal and vegetable, have no circulation whatever. Every part of their surface being equally capable of

absorbing liquid nutriment, there is no necessity for a circulation. Medical men, in testifying that the beating of the heart after the severance of the umbilical cord is conclusive of the independent extra-uterine life of the child, have undervalued that function, respiration, which is always and everywhere essential to organic life, and have given undue importance to a function which is not an essential of organic life, and which is only found amongst plants and animals of a somewhat complex differentiation of organs. That heart-beat is an essential of extra-uterine human life, of course no one will deny; but I do deny that it is *the essential* upon the presence of which can be predicated independent extra-uterine life. High medical authorities—Drs. Penrose, Page and others of this country, and Drs. Tyler Smith, Freeman and Alfred Taylor of England—testify ‘that the continuance of the heart’s action, after severing of the umbilical cord, must be accepted as proof of independent life.’ The fact is, however, that intra-uterine life, so far as heart-beat is concerned, is just as independent of the mother as extra-uterine life. The foetus is dependent upon its mother, not for heart-beat and circulation, but for oxygen and nutrient materials. There is no direct communication betwixt the vascular systems of the foetus and the mother. The relation of the placental ramifications of the umbilical vessels and blood of the foetus to the mother’s blood is analogous in many respects to that which exists between the branchial vessels and blood of fishes and the water which, in obedience to respiratory movements, flows between the gill-fringes somewhat as the blood in the utero-placental sinuses flows around and between the foetal villi of the placenta; and the circulation of the foetus is just as independent of the mother as the circulation of the fish is of the water in which it lives and from which it obtains its oxygen and food. The foetal heart-beat and circulation as such, are therefore as independent as the adult heart-beat and circulation. Not so with respiration. For the performance of this function the foetus is entirely dependent upon its relations with its mother. Of the great organic functions, the suspension of any one of which would place life in immediate and imminent danger, none is so differentially characteristic of foetal life as placental respiration. Destroy it, and intra-uterine life must end. What placental respiration is to the foetus, pulmonary respiration is to the infant. When the former ceases, an essential of intra-uterine life ends. When the latter is established, a *sine qua non* of extra-uterine life has been supplied. Heart-beat and respiration are such absolute essentials of advanced foetal and extra-uterine life, and death follows so suddenly and surely on the destruction of either of these functions, that I conceive the true doctrine to be, that no child can be known to be alive in which either circulation or respiration has been destroyed; and consequently since birth involves the speedy destruction of placental respiration, that independent extra-uterine life cannot be affirmed of an infant which has not breathed. Heart-beat is essential to both intra-uterine and extra-uterine life, but it is not characteristic of either. So it is with respiration; but placental respiration is characteristic of intra-uterine life, and pulmonary respiration is characteristic of extra-uterine life. At birth no sign can be conclusive of independent extra-uterine life, which is not characteristic of extra-uterine life. Does division of the cord give to heart-beat a characteristic and independent feature which it did not possess before? I think not. If from a railroad train in rapid motion the engine should be detached, would not the brief continued motion of the train be entirely dependent upon its recent relations to the engine? Division of the cord cuts off, so far as the mother is concerned, a further supply of conditions of life; but it does not give independence of life. I hold that the phenomena observed in the children mentioned in the American and English law cases, if they were, and so far as they were signs of life, were in the same measure dependent upon recent relations to the mothers, as were similar signs before division of the cords. In the children above mentioned and in all like cases, there is good reason to believe that the heart’s action should

not be relied upon as a strictly test-sign of animal life. The first of the permanent organs of the embryo to display functional activity, the heart pulsates while its walls are still in cellular condition, before the formation of its own muscular tissue, or the development of nerve-tissue either in its own substance or in the body at large. It beats through life so constantly and so regularly, that we can almost 'count time by heart-throbs,' and physiologists, however they may differ as to the theory, agree as to the fact that it may continue to beat after death. Nay more, Mr. Todd has shown, contrary to what might be expected, that this power of rhythmical contraction after death is especially persistent in very young animals. The independence of the heart's action has been demonstrated by numerous experiments. In some cold-blooded animals it will continue to beat for many hours after its removal from the body. This is easily demonstrated with the hearts of the frog and the turtle; and Dr. Mitchell states that the heart of a sturgeon, which had been removed from the body, continued its rhythmical movements until the auricle had become so dry that a rustling sound was heard with each contraction. The life of a new-born child rests very largely upon the action of the heart. It is probably the most constantly essential of the 'props' of the 'tripod of life.' The independence of extra-uterine life rests, however, neither upon the beating of the heart nor upon the division of the cord, nor upon both of them together, but upon the substitution of the extra-uterine conditions of a great organic function constantly essential to life, for the foetal conditions of the same function which have been or are about to be destroyed. Pulmonary respiration substitutes real tangible conditions of independence for those of dependence, and until it is established there can be no 'independent life.' We have seen that heart-beat, although essential to, is not characteristic of extra-uterine life, and consequently does not attach to it any feature or condition of independence which did not belong to foetal life; that division of the umbilical cord may destroy conditions of foetal life, but that it

is not in any sense a factor, sign, or condition of independent extra-uterine life; and, finally, that beating of the heart of itself will not do for a test-sign of life in the animal to which it belongs. It, therefore, appears that the phenomenon 'continuance of the heart's action after severing of the umbilical cord,' to which, in the aforementioned cases, medical experts and courts have attached so much importance, was not evidence of independent life, but was probably simply the last flickering of an extinct foetal life. What is false in science cannot be a fact in law; and although legislative bodies may yet declare the presence of circulation and pulmonary respiration in some extreme cases, such as deliveries at non-viable ages, too narrow a base upon which to establish the civil rights of infants, I feel assured that before long the courts must hold that less than this is not in any case sufficiently broad. All our knowledge of life is purely phenomenal. Of what life is in itself, that is apart from its manifestations, we philosophically know nothing. It is therefore, in the present state of science, impossible to draw the line and mark accurately where dependence ceases and independence begins. I have endeavored, consequently, simply to establish a practical distinction based upon some of the differential phenomena of foetal and extra-uterine life."

Much interest and discussion was evoked by the publication of this paper. Dr. George W. Wells, Secretary of the New York Medico-Legal Society, and numerous members of the profession in all parts of the country, applied to the author for copies. Ex-Senator Comegys, who was one of the counsel in the American case, which was tried in Delaware, wrote: "I felt quite sure that it was not only in itself an able article, but that it constituted an unanswerable argument upon the subject it treated." Dr. H. J. Bowditch, of Boston, speaks of it as "interesting and important." Dr. Joseph Jones, of New Orleans, writes: "Your argument appears to be conclusive." Dr. P. Bryce, of Tuscaloosa, "the argument is unanswerable and absolutely convincing." Dr. Frank H. Hamilton, of New York,

describes it as a "most excellent paper." Dr. Jerome Cochran, of Mobile, writes: "I have no hesitation in pronouncing your argument perfectly conclusive. Not only so but it must be held hereafter by every man who can comprehend the grounds upon which it is based, that the doctrine you advocate is so absolutely invulnerable as to make any attempt at adverse criticism ridiculous;" and again, "I am surprised beyond measure that this question has been left until now to be placed on proper physiological grounds. You should see that your paper goes into the hands of Taylor and other authors of books on Medical Jurisprudence. The argument, indeed, is as plain as the nose on a man's face. The extra-uterine—the independent life of a mammal—depends absolutely on pulmonary respiration. Until pulmonary respiration has been established, there is no independent life in a mammal."

In 1875 the Medical Association of the State of Alabama, through its Board of Censors, submitted to the General Assembly a bill establishing boards of health in the State.

When the question of the appropriation for the purposes of the bill came before the General Assembly in 1878, Dr. Gaston appeared, in company with Drs. Weatherly, Michel and Seelye, before the Committees of the Senate and the House of Representatives, and in conjunction with Dr. Cochran, addressed the Committee, enforcing the obligation of the State to protect the persons and property of the people against the assaults of preventable diseases as resting upon the same grounds as the duty, universally recognized, of protecting their persons and property against the assaults of wicked and lawless men; and this was done with such effect that the committee, which before had been opposed to the appropriation, reported unanimously in favor of the bill, and requested the Doctor to address the House of Representatives on its merits. His professional engagements, however, prevented his appearing before that body. To his persistent and untiring exertions was largely due the passage of the Act securing the appropriation, by which the State Medical Association was recognized as the

accredited agent of the State in the administration of the statutes in relation to public health.

No other State in the South besides Alabama has made appropriation of money to be expended by their Boards of Health. By this Act, the Medical Association of the State of Alabama was constituted the Board of Health, and in order to facilitate the execution of its health functions, the Association created a permanent committee composed of ten members, and called the Committee of Public Health, of which Dr. Gaston has been a member since its appointment.

In 1876 a bill, originating with the State Medical Association, "To regulate the practice of medicine in the State of Alabama," was brought before the General Assembly. It had been the subject of consideration at several sessions of the Association, and Dr. Gaston, with several other members of the profession, was very active in promoting its passage through the Legislature. He appeared, with Drs. Weatherly and Michel, before the Judiciary Committee of the Senate, and a select committee of the House of Representatives, and addressed both in explanation and support of the bill while it was under consideration, and thus contributed very materially to its final enactment. During its passage through the Legislature, the bill was subjected to several amendments, and finally became a law on the last day of the session. By this Act the Medical Association was invested by the State with privileges and powers which made it possible for the first time in the history of American legislation for the medical profession itself to determine the qualifications of its own members. It provides for an authorized Board of Medical Examiners, consisting of the Board of Censors of the Medical Association and the Boards of Censors of the several county medical societies, from whom every person proposing to practise medicine after the passage of the Act must obtain a certificate of qualification; that the standard of qualifications required shall be determined by the Medical Association of the State; that the certificates of qualification shall be endorsed by the probate judge of the county in which the person resides, and a register kept of

licensed practitioners of medicine; that violations of the provisions of the Act shall be punishable by fine or imprisonment; and that none of its provisions shall apply to females engaged in the practice of midwifery alone. An exception is made of persons proposing to practise some irregular system of medicine, who must, however, obtain from some authorized Board of Medical Examiners a diploma or certificate of qualification in anatomy, physiology, chemistry and the mechanism of labor before being permitted to practise.

Dr. Gaston has for many years conducted an extensive and successful general practice, and among his more important cases may be mentioned a number of successful exsections of the elbow and shoulder joints, operations for strangulated inguinal hernia, exsection of hip-joint for hip joint disease of ten years' standing, with complete bony ankylosis of the joint—a condition which obtained in only one of Professor Sayre's reported cases complete recovery with restored general health, a strong limb and ample motion at hip-joint; nephrotomy for pyonephrosis by deep dissection through lumbar region, death sixty-two days after operation, the other kidney having become diseased; operation for psoas abscess: in this case, which occurred in the person of Dr. McLean, of Montgomery county, emaciation and prostration, with hectic fever, were extreme—an operation by incision commencing near the lumbar vertebra and extending transversely and deeply down through lumbar region to abscess, was devised and successfully executed; recovery was slow but complete. He is a member of the Medical and Surgical Society of Montgomery, and its President in 1874; a member of the Medical Association of the State of Alabama; was its annual orator in 1867, and is a Censor and a member of the Committee of Public Health; a member of the American Medical Association, and was a member of its Section of State Medicine and Public Hygiene, 1875-76. He is also an alderman of the city of Montgomery, having been elected by the City Council to fill a vacancy caused by resignation. The medical profession in Mont-

gomery is exceptional in the harmony and good feeling that prevails among all its members. Unlike most professional communities, there are no cliques and coteries among them, but mutual respect and the heartiest good will permeates the whole body. The most intimate friends of each are to be found inside the profession, and they form a veritable "band of brothers," with objects and interests in common. Of this happy family Dr. Gaston is one of the most favored, having by his conspicuous ability, high character and genial disposition, gained the high esteem and warm personal regard of his fellow-practitioners. He occupies the highest rank in his profession, both in the State at large and in Montgomery, where he is a leading surgeon, and commands probably the largest general practice. He has always taken a very conspicuous part in advancing the interests of the State Medical Association, and has largely contributed to the prosperity of the Montgomery Medical and Surgical Society.

Though he has not contributed largely to the literature of the profession, some of his papers have been of unusual interest. His article on the "Medico-legal evidence of Independent Life in a new-born child" has placed a very important question on correct physiological grounds, and must have the effect of establishing hereafter a different ruling in the higher courts of law on this interesting and important subject. Well and extensively read, he possesses a vast fund of varied information on every subject, and his clear analytical mind grasps the most abstruse questions with great readiness. As a speaker he is clear, concise and energetic, and although little accustomed to debate, he has at times astonished his hearers by the clearness and closeness of his reasoning, as well as by the well-chosen and forcible language with which his ideas were clothed. Of inflexible honor and integrity, high-minded, generous and warm-hearted, he is honored and beloved by a large circle of friends in all parts of the South. He was married November 11th, 1857, to Sally J. Torrence, daughter of James G. Torrence, a successful planter of Mecklenburg county, North Carolina, and has




three children. His eldest son, Bernard Gaston, is a student at the Bellevue High School, near Lynchburg, Va., and his two daughters reside with their parents in Montgomery.

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### PROFESSOR CHAILLÉ.

#### LOUISIANA.

TANFORD EMERSON CHAILLÉ was born at Natchez, Miss., July 9th, 1830. The Chaillé family is of Huguenot descent. Moïse or Pierre Chaillé, a Huguenot refugee from La Rochelle after the repeal of the Edict of Nantes, emigrated to America in the early part of the eighteenth century. He settled on the Eastern Shore of Maryland, and from him are descended all the members of the family of that name in this country. His son, Moses Chaillé, married Mary Allen, of the Eastern Shore of Maryland, and their son, Colonel Peter Chaillé, whose wife was Comfort Houston, was a prominent official in the Revolutionary war, in which many other members of the family also took an active part. Peter Chaillé was one of the sixty-two members of the "Association of the Freemen of Maryland," which, at the early date of July 26th, 1775, pledged themselves to aid Massachusetts and other colonies to resist British oppression, and, by public proclamation, summoned their fellow-citizens to unite with them in measures of resistance and defence, and to maintain public order. To not less than one-fourth of the families of these sixty-two patriots, Colonel Chaillé's great-grandson, Dr. Chaillé, is allied by blood or marriage; and to this honorable historic roll is signed the names of three other of his immediate ancestral families, the Handys, Quintons and Dashiells.

On January 6th, 1776, Peter Chaillé became Colonel of the First Battalion from Worcester county, Maryland. In 1776 he was also a member of Maryland's first convention, and he subsequently became a member of Maryland's Legislature. His wife, Comfort Houston, was

a descendant of the Quintons, another distinguished Huguenot family, from which, as also from the Handy family, is likewise descended Mrs. Governor Nicholls, of Louisiana. William Chaillé, the son of Colonel Peter Chaillé, married Anna Handy, of the Eastern Shore of Maryland, and their son, William H. Chaillé, was the father of the subject of this sketch. He married Mary Stanford, daughter of Dr. Clement Stanford and Anna Dashiell, and niece of Hon. Richard Stanford, who was a member of Congress from North Carolina from 1797 to 1816, and son of Richard Stanford, of Vienna, Maryland.

Stanford E. Chaillé was educated at Phillips' Academy, South Andover, Mass., from whence he graduated in 1847. He then entered Harvard College, taking the degree of A. B. in 1851 and A. M. in 1854. In 1851 he settled in New Orleans, and was resident student in the New Orleans Charity Hospital from 1851 to 1853. His medical education was acquired in the Medical Department of the University of Louisiana, whence he graduated M. D. in 1853. In that year he commenced the practice of his profession in New Orleans, and was appointed Resident Physician of the United States Marine Hospital, which position he retained for one year, and then became Resident Physician and part proprietor of the Circus Street Hospital, in association with Dr. Armand Mercier, one of the leading surgeons in New Orleans. In 1857 he became co-editor and proprietor of the *New Orleans Medical and Surgical Journal*, and so continued until 1868. In 1858 he was appointed Demonstrator of Anatomy in the Medical Department of the University of Louisiana. In 1860 he visited Europe and became the student of M. Claude Bernard, the distinguished physiologist, spending three years in study in Paris and other cities. In February, 1862, he received the appointment of Acting Surgeon-General of Louisiana, and on May 12th, 1862, was commissioned Surgeon in the Confederate States army. He was Medical Inspector of the Army of Tennessee, on the staff of General Braxton Bragg, upon whom he was in immediate per-

sonal attendance during the years 1862-63. After his resignation he became Surgeon-in-charge of a hospital at Atlanta, 1863-64, and of the Ocmulgee Hospital, Macon, Ga., 1864-65. The war over, he returned to New Orleans and was appointed Lecturer on Obstetrics in the Medical Department of the University of Louisiana. In 1866 he again visited Europe. In 1867 he accepted the chair of Physiology and Pathological Anatomy in the Louisiana University, and in 1876 he was appointed Professor of Obstetrics in the same institution, but, resigning that position, was unanimously reappointed to fill his previous chair—that of Physiology and Pathological Anatomy—which he holds at the present time. In December, 1878, he was appointed by Congress one of the twelve experts authorized to investigate the yellow fever epidemic of 1878, and was elected Secretary of the Board of which Dr. John M. Woodworth, Surgeon-General of the United States Marine Hospital Service, was President. In 1879 he was appointed by the National Board of Health a member of, and served as President of, the United States Havana Yellow Fever Commission. The subjects of investigation, as ordered in official instructions, were: the condition of the principal ports in Cuba from which shipments are made to the United States; the endemicity of yellow fever in Cuba and the cause of this endemicity; the actual sanitary condition of Havana, Matanzas and the principal ports of Cuba; how may the sanitary condition be improved, or the unsanitary condition ameliorated? what can and should be done to prevent the introduction of the cause of yellow fever into the shipping of Matanzas, Havana and other Cuban ports? These were intrusted to a committee of which Colonel T. S. Hardee was a member and Dr. Chaillé Chairman. Experiments upon the transmission of yellow fever poison to animals; microscopic examination by microphotography of the blood in various stages of yellow fever; and microscopic examination of the pathological anatomy of yellow fever, were intrusted to a committee composed of Dr. Sternberg, of the United States army, Secretary of the com-

mission, and Dr. Guiteres, of Philadelphia. An auxiliary commission, composed of twelve distinguished medical men of Cuba, was appointed by the Captain-General to aid in the investigation. An immense quantity of data was gathered and information obtained from not less than forty-five places in Cuba, including the fifteen ports of entry. It was ascertained that the disease has prevailed in Havana every year since 1761, and it is alleged it was imported originally from Vera Cruz. It was further determined that there is no town of any importance in Cuba where it is not usual for yellow fever to prevail. The endemic prevalence of yellow fever is most marked in those towns of Cuba which have experienced the greatest commercial increase; which have the most numerous unacclimated population; the least exposure to wind; where the houses are crowded together and densely inhabited; and filth exists in the greatest quantity. The actual sanitary condition of Havana and other Cuban towns is very bad, a fact indicated by the high death-rate, which ranges from forty to fifty per 1000 inhabitants per annum. The water supply is not particularly defective in quality, but is insufficient in quantity. Hygienic laws are so grossly violated that many causes are in operation to pollute the soil, air and harbors. It is to be remembered that the violation of hygienic laws will be followed by more serious results, the warmer the climate and the denser the population, the maximum of which condition is to be found in Cuba. The people must be provided with the means to become enlightened in hygienic principles, and not only have the knowledge but the material resources to enable them to carry out the measures necessary to the application of a comprehensive hygienic system. Until these reforms are accomplished, a consummation which the present generation of sanitarians will not live to witness, Havana will continue to be a source of constant danger to every vessel entering that port and to every Southern port to which these vessels sail during the warm season. The result of investigations proved that the poison did not emanate from the water of the harbor, but from the

shore, and that yellow fever does not originate on board ships. There are no practical means to keep yellow fever out of the shipping, except to exclude the ships from the infested ports. Important palliate measures can be used to protect the shipping, but the execution depends to a certain extent upon the rigid enforcement in the ports of Cuba of such provisions as are contained in the National Quarantine law of the United States. Experiments were made on not less than a dozen different species of bipeds and quadrupeds, white-haired and white-feathered, of American birth and imported from New York. These animals were lowered and fed in the holds of vessels known to be infested. The blood of yellow fever patients in various stages of the disease was injected into them. They were fed on black vomit and other substances eliminated from the patients. The animals were also made to sleep on blankets, etc., from the beds where yellow fever patients had died. Various other means were adopted to infect the animals with the disease, but in not a single case was yellow fever developed in an animal. Photographs were taken of the blood corpuscles in the blood of persons sick with yellow fever, and at all stages of the disease. The only peculiarity observed was the presence of certain granules in the white corpuscles, but it is not certain that these may not be presented by blood in other diseases. Air from infected localities, such as military hospitals, holds of ships, was examined. Innumerable forms of microscopic animal and vegetable life were perceived, but nothing considered distinctive, or suspicious, except peculiar crystals never before described. Tissues of the human body, obtained promptly after death from yellow fever, were examined, properly preserved, and brought to the United States to be examined by Dr. Woodward, of the United States army, the most skilful expert in pathological anatomy in this country. The porous coral formation, which readily absorbs moisture, the lack of elevation of the dwelling-houses, defective privy and sewage system, are among the morbid causes which militate against the health of Havana.

Dr. Chaillé is a member of the American Medical Association; a member of the American Public Health Association; associate fellow of the College of Physicians, Philadelphia; honorary member of the Medical and Chirurgical Faculty of Maryland; corresponding member of the Academy de Ciencias, etc., Habana, Cuba; Chairman of the Committee on State Medicine in the Louisiana State Medical Society, and in the Orleans Parish Society. He was also honorary member of the International Medical Congress held in Philadelphia in 1876, and received from the Centennial Medical Commission the high compliment of being chosen by it one of the ten physicians selected from the whole United States to address the Medical Congress.

Dr. Chaillé has devoted much time and labor to the consideration and preparation of vital statistics in reference to public hygiene, and the results of his labors have attracted much attention, both at home and abroad. In January, 1870, he published "Life and Death in New Orleans, from 1787 to 1869; more especially during the five years—1856 to 1860," an elaborate paper, in which he first drew prominent attention to the unhealthy character of the city of New Orleans, and the crying need for its sanitary reformation. He followed this in July, 1870, by "The Yellow Fever; Sanitary Condition and Vital Statistics of New Orleans, during its Military Occupation in the four years 1862-65," in which, while admitting the comparative superiority of the so-called "impregnable war quarantine," he successfully combats the often repeated assertion that New Orleans was practically exempt from yellow fever during its occupation by the Federal troops, from 1862 to 1865. In July, 1874, he published a third article, "The Vital Statistics of New Orleans, from 1769 to 1874;" and especially the five years succeeding the war—1866-70. This, with the two former papers, completed the subject. In April, 1872, he discussed at length, in the columns of the New Orleans *Sunday Times*, the laws of population as to voters, in which he clearly demonstrated that the colored male voters were, from corrupt partisan motives, at

that time much over-registered, and that the whites, especially the foreign born, were, from like motives, much under-registered. As a student of vital, not of political statistics, Dr. Chaillé was forced incidentally to examine the latter, as illustrative of the number of the population—a number indispensable to mortality statistics. He investigated all the statistical facts bearing on the political statistics of Louisiana in 1874, and published them, under the title of “Vital Statistics applied to the Military-reconstruction Politics of Louisiana.” His facts were, without exception, gained from officials of the Republican party, and he shows that, whereas the United States census reported that Louisiana had about 87,000 colored males of twenty-one years of age and over, these 87,000, in spite of the number necessarily and unavoidably absent from sickness and other causes, succeeded in being registered as 90,781. During the year of the census, 1870, it was found that while 86,913 colored males registered more than 90,000 voters, yet 87,066 white males only registered about 55,000 voters, and yet the Republican party confidently charged that the colored had, and the whites had not, been intimidated. He adds, “these remarkable facts of political multiplication cannot be equalled outside of the reconstructed States.” In January, 1875, Dr. Chaillé gave his testimony before a committee of Congress as to the vital statistics and voters of Louisiana and New Orleans. A Republican majority had been claimed on the sole grounds that the colored population was greatly in excess of the white. This claim was based on the fact that in 1874 an excess of 15,000 colored over white voters was *registered*, and on this 15,000 excess, with the addition of 5,000 white votes claimed, it was confidently asserted that “a fair and peaceable election” should give the Republicans from 20,000 to 25,000 majority. Vital statistics derived exclusively from the published reports of Republican officials thoroughly refute these claims, and prove beyond discussion either that the registration of 1874 was a fraud (as were all its predecessors from 1868) or that the United States census of 1870 was a

fraud; while Dr. Chaillé shows conclusively the comparative correctness of the latter. On the 13th of January, 1877, Dr. Chaillé appeared before the committee of the House of Representatives on Louisiana affairs, of which Hon. W. R. Morrison was chairman, and was examined with reference to the intimidation charged, and the relative proportion of white to the colored voters in Louisiana during the Presidential election of 1876, as shown by statistical data derived from Republican official reports. He exposed the absurdity of the charge of wholesale murder and intimidation for political reasons made by the authority of General Sheridan and of the President’s Visiting Committee, in the face of the unusually large increase in the colored population, reported by the State census of 1875. He pointed out that there was no data to justify the belief that there was then in Louisiana any material majority of the colored over the white citizens, and called attention to the incredible assertion of the Registrar of Voters that out of 185,000 *registrable* colored voters in Louisiana, he had *registered* 207,622 colored voters. The Hon. W. Townsend, one of the Republican members of the committee, at the conclusion of the examination, remarked: “I will not undertake to dispute your statements, and I do not question the accuracy of the statements in your report”—conclusive evidence that Dr. Chaillé’s facts and figures were unimpeachable. Before the International Medical Congress, which met in Philadelphia in 1876, Dr. Chaillé delivered a Centennial address on the “Origin and Progress of Medical Jurisprudence, 1776 to 1876,” which was reprinted from the “Transactions of the International Medical Congress,” for the benefit of the legal and medical professions in the United States. It consists of a succinct historical sketch of the development of medical jurisprudence in different nations, from the earliest times to the present, followed by the consideration of the part taken by the United States in the general progress of that science. Five inquiries are instituted and discussed, viz.: What have our laws done to apply medical knowledge to the administration

of justice? What have our medical colleges done to cultivate and disseminate a knowledge of medical jurisprudence? What new facts have Americans added by original research to the common stock of medico-legal science? What culture of medico-legal science is evinced by our literature? What illustrations of medico-legal progress are to be found in the institutions, laws and judicial decisions of our States?—and the measures proposed to correct our medico-legal evils are described. A voluminous bibliographical appendix is added, consisting of a bibliographical record of the medico-legal literature of Italy, Germany, France and Great Britain, and a contribution to the Bibliography of American Medical Jurisprudence; the whole arranged chronologically to illustrate the origin and progress of medico-legal science. Ample and comprehensive notes are added, and the address, which created much attention and discussion at the time, does infinite credit to the research and erudition of its accomplished author. We have only space for the concluding paragraphs.

“Has State Medicine become necessary to a nation’s progress in civilization? Can services essential to the welfare of a people be rendered by other than medical officers? Who will deny that no well-governed State can dispense with medical instructors; with physicians in charge of its hospitals and asylums; with medico-legal experts; with inspectors to watch over the execution of proper laws for prohibiting quackery and the sale of quack, foeticidal, poisonous, and adulterated drugs and food, and also to certify to every death with its cause, after personal examination; with registrars of vital statistics to record not only marriages, births, and deaths, but also prevailing diseases with their causes, and, finally, with sanitary officers to guard the public health by vaccination, quarantine, seclusion, disinfection, and all known means? While such services to the State would now confer incalculable benefits, these are not a tithe of those which the progress of medical science assures the future. But a patchwork of ill-digested laws cannot secure these benefits, nor mere prac-

tioners of medicine render these services. To this end a well-organized system of State Medicine, administered by specially educated medical men, is indispensable; and, however discouraging the difficulties, educational, legal, and political, in our path, these must be eventually overcome, or our country prove a laggard in the triumphant march which civilization, led by the hand of science, is now treading. One of these difficulties, an increase of officials, dangerous to a republic, repugnant to the people, is more serious in appearance than in reality; for, our present posts for coroners, and for sanitary and other medical officers, would suffice for at least the initiation of an organized system of State Medicine. Far more serious difficulties are presented by those causes which now so often fill these posts with unqualified men by the continual elections and ‘rotations in office,’ through which the people, with suicidal folly, eliminate from public service responsible and efficient servants. If the demoralizing political principle, ‘to the victors belong the spoils,’ is to continue its mastery over the virtue and intelligence of a great people, then all hope of efficiency in any system of State Medicine, as well as in every public service which requires special skill and experience, must be abandoned. But if the cardinal maxim of our political faith be well founded, if it be true that a Republican government is better adapted than any other to secure the greatest good to the greatest number, then, though public enlightenment develop slowly, the day must come at last when all impediments will be overthrown and an efficient system of State Medicine be organized by our laws. This progress, as all others, must pass through stages of evolution, and expediency force the acceptance, as now, of mere makeshifts; but this conviction should not deter the attempt to measure the full extent of our defects and of our needs, nor prevent us, while conscious that we are but scratching the surface of great evils, from striving to direct our efforts to their very root.” Having for years advocated mountain resorts as justifying the best hope for arresting incipient consumption, Dr. Chaillé, in

April, 1878, contributed a paper to the *New Orleans Medical and Surgical Journal*, founded on his own personal experience, on the American Mountain Sanitarium for Consumption, in which he presents some of the evidence which served to strengthen his conviction of the beneficial influence in consumption of mountain resorts, especially of the Mountain Sanitarium at Asheville, N. C. He says: "The benefits secured in mountain localities have been ascribed to the greater rarity of the air, causing quicker and profounder respiration, a more active central as well as capillary circulation, and increased excretion with improved appetite and nutrition; to the greater purity of the air marked by its greater transparency, freedom from dust, and richness in ozone which purifies it chemically; to the greater dryness and increased electricity of the air; to the larger number of sunshiny days, and the intenser heat of the direct rays of the sun, which, conjoined with the charming diversity of mountain scenery, prompt the invalid to frequent excursions, habitual exercise, and life in the open air." . . . "The section of country to which I now invite attention is in the high regions comprised between the Blue Ridge and the great chain of the Iron, Smoky, and Unaka Mountains, separating North Carolina from Tennessee, where we have the culminating portion of the whole chain of the Appalachians. Here, for an extent of more than 150 miles, the mean elevation of the valley from which the mountains rise is more than 2,000 feet; scores of summits reaching 6,000 feet, while the loftiest peaks rise to a height of 6,700 feet. Asheville, having an elevation of 2,250 feet, is located in the central part of this region, wherein I have passed from three to five months annually during the four years 1873, 1875-76-77. I have made repeated mountain excursions, in all directions, and from twenty to sixty miles distant from Asheville; everywhere I was assured of the comparative immunity from consumption of all this section, and, in most places, my informants denied that the native residents ever died of the disease." . . .

"In concluding this article, I desire it to be understood that, while I incline to believe that the climatic conditions, which are the results of altitude, are important factors in the hygienic treatment of consumption, I have not ventured to recommend any and all mountains, but only such mountain resorts as experience seems to have proved beneficial, and as supply proper accommodation for invalids. Again, I desire it understood that, in advising mountain resorts for consumptives, I have had in mind solely those in the first stage of the disease; or those who, although long affected, have advanced but slowly on the downward road, and still maintain sufficient vigor to spend a large portion of time in the open air."

In February, 1879, Dr. Chaillé contributed a paper to the *Medical Record*, entitled "Evolution and Human Anatomy," which has, perhaps, excited as wide-spread interest and attention as any of his contributions to science. As an example of Dr. Chaillé's literary style and philosophical opinions, we add a short extract: "The descent of man closes with the once startling assertion that 'man still bears in his bodily frame the indelible stamp of his lowly origin.' If this be true, then man's conception of an ever-loving and all-merciful God would be based on a benevolent reality, rather than on a malevolent fiction; since man would belong to a risen, not to a fallen race, and should exchange a discouraging belief in his degradation from a perfect parent for an encouraging faith in his own progressive development. No one familiar with the history of the warfare between science and religion will be deterred from investigating the proofs of Darwin's assertion, though it is denounced by biblicists as 'evidently contrary to Scripture;' for such denunciations recall the history of many similar contests, of which three, at least, cannot for the good of mankind be too often repeated. The rotundity of the earth was denounced for centuries 'as contrary to Scripture,' and the believers thereof were cursed and punished as 'heretics, infidels, and atheists'—until Magelhaens, sailing ever in one direction,

returned in 1519 to his point of departure. The Copernican doctrine—that the planet of vain-glorious man was not the centre of the universe, but that the sun was the centre of our system, and that the earth moved around this centre, not the sun around the earth—was declared in 1616 by the Cardinals of the Roman Inquisition, to be ‘absurd, heretical, and contrary to Holy Scripture.’ The great book which, in 1543, first taught this now familiar truth, was condemned to remain on the Roman ‘Index Librorum Prohibitorum,’ from 1616 to 1820. For advocating this truth, Bruno was burned, Campanello tortured, Galileo terrified into perjury, and Luther and Melancthon joined hands with the Pope, uniting Protestantism to Catholicism in upholding as Scriptural the woful ancestral errors, to the overthrow of which Copernicus and Galileo owe their undying fame. For centuries the creation of ‘the heavens and the earth’ within six days, was an article of religious faith requisite to man’s salvation.

“Even in 1850 the great Christian Scientist, Agassiz, deemed it necessary in his geological lectures at Harvard, to explain and apologize to an audience of college boys for teaching that the works of the Creator, buried in the bowels of the earth, testified irrefutably that it could not have been made within six days; and to defend himself against the maledictions hurled against him by that pulpit and press, which accepting at last the lesson once fiercely denounced, now uses his great, but at one time execrated name, to wage an equally hopeless battle against the doctrine of evolution—the only doctrine which explains to the biologist the Creator’s mode of action in accord with such well-known facts as: that useful animals are burdened with useless organs, and harassed by other animals, useless and noxious; that organs and organisms are modified by, and are adapted to the varying conditions of existence; that use causes development, disuse the atrophy of organs, and thus new organisms may appear, while old ones may disappear; and that nature’s work is done through laws simple, uniform, and constant.

It would be presumed that the marks of man’s lowly origin, stamped indelibly upon his bodily frame, should be familiar to, at least, physicians, since they are forced to study human anatomy. But, in truth, few physicians, even though skilful anatomists, are well informed on this subject, for the reasons that they pursue anatomy for practical purposes, not for philosophical deductions; that they study superficially, if at all, comparative anatomy, on which depends the significance, so far as evolution is concerned, of human anatomy; and that the indelible marks of man’s lowly origin are to be found chiefly in three directions, of little importance to, and therefore little studied by the medical anatomist. These three directions are: the anatomy of the human being while within the womb—embryology; the anatomy of bodies deviating from the common rule—anomalies; and the anatomy of certain parts—rudimentary organs—imperfect in and useless to man, but perfect in and useful to lower animals. In these three neglected departments of anatomy will be found in abundance the indelible marks of man’s lowly origin.” . . . . . “‘Man, in action how like an angel! in apprehension how like a God! . . . . the paragon of animals,’ originates, not as our ancestors taught, from a homunculus or diminutive baby, but from a little ovule or cell, as does a fish, frog, snake, bird and dog; it is about one-one hundred and twenty-fifth of an inch in diameter, and apparently differs in no respect from the ovules of other animals. In the hatching of this microscopic egg it successively presents in striking particulars the same forms of animal life disclosed in the successive strata of geology, and taught in our school-books as the five progressive steps from the lowest to the highest vertebrates; for the human embryo, at first invertebrate, subsequently assumes, in many things, the organization of a fish, an amphibian, a reptile, and a mammal, while becoming man-like—and yet has never ceased to be a human being. At the third week of hatching, this future man is a gelatinous worm-like body, and even at the eighth week can scarcely be distin-

guished from the embryo of a dog." . . . .  
 "Finally the poetical seven stages of man's life outside the womb are even surpassed by those within it, as numbered by embryologists. The most striking of these embryonic stages are the Ascidian, the Amphioxian, the Piscine, the Reptilian, the Mammalian, the Quadrumanous and the Human. What theory, other than evolution, offers *even an attempt* to rationally explain the significance of these stages, and of the facts now presented?" . . . . "Comparative anatomy has already acquired sufficient knowledge to increase the long list now given of the indelible marks of man's lowly origin. As the future perfects this knowledge not only will there be many important additions, but a brighter light will be thrown on the facts herein presented. However instructive such detailed facts may be, yet only a fraction of the evidence in favor of evolution depends on human anatomy; and the general facts are as decisive as are details to him thoroughly imbued with a conviction of the simplicity, uniformity and constancy of nature's laws. For chemistry teaches that man's chemical, microscopy that his histological, morphology that his homological structure, agrees with the whole animal kingdom. Palæontology has stamped in permanent letters of stone the same succession of animal life, impressed in fleeting hours on the offspring within the womb of every mother; and comparative anatomy, physiology and pathology present innumerable general as well as special facts to prove—that man, though ultimately formed of those chemical elements, which constitute in part 'the dust of the ground,' was not formed directly out of these lowly dead inorganics, but had his immediate origin from the very highest organic living matter."

Dr. Chaillé has been twice married. In 1857 he married Laura Elleanor, daughter of Lieutenant-Colonel John Mountfort, United States army; she died in 1858. In 1863 he married Mary Louisa, daughter of Leroy Napier, Esq., of Macon, Ga., who died in 1873. He has one child, Mary Laura Chaillé, daughter of his first wife.

## GENERAL P. G. T. BEAUREGARD.

LOUISIANA.

**P**IERRE GUSTAVE TOUTANT BEAUREGARD was born in the parish of St. Bernard, near New Orleans, La., May 28th, 1818. The Beauregard family trace their genealogy back to Tider, an illustrious Welshman, who headed a party in opposition to Edward the First of England, and having been defeated sought refuge in France in the year 1270. He was favorably received by Philip IV., surnamed the Fair, and married Mdlle. de Lafayette, a lady attendant upon Madame Marguerite, sister of Philip the Fair. When the bitter war, then raging between France and England, was concluded by the marriage of King Edward and Marguerite of France, Tider followed the new queen to England, and, though distrusted by the king, obtained, through the influence of the queen, a government post in Saintonge. After the death of Marguerite, however, he incurred the displeasure of the king and was compelled again to seek refuge in France, where he lived on a pension left to his wife by the deceased queen. He left four children, of whom Marc, the eldest, having returned to England and obtained a government appointment in one of the dependencies of the English Crown, changed his name to that of Toutank. In the course of time the final "k" became "t," and thus the present name of Toutant. Toutant remained the name of the family for a long series of years, probably three centuries, when one of its male members dying left an only daughter who married a Sieur Paix de Beauregard, and hence the family name—Toutant de Beauregard. General Beauregard is a direct lineal descendant of the Sieur Paix de Beauregard; at what time the "de" was dropped is not known. The first of the family to visit Louisiana was Jacques Toutant de Beauregard, who was commandant of a flotilla which was sent to the colony in the reign of Louis XIV., and for services rendered he received the "Cross of St. Louis." He subsequently settled in Louisiana, where he married Magdeleine Cartier,





*Yours very truly*  
*G. J. Hamer*



and had three sons. Louis Toutant Beauregard, one of his sons, became a sugar-planter in the parish of St. Bernard and married Victoire Dueros, the daughter of a prominent planter who held offices of trust under the French and Spanish governments of Louisiana; he had one daughter and two sons. The younger of these sons, Jacques Toutant Beauregard, married in 1808, Helene Judith de Reggio, daughter of a well-known planter of the parish of St. Bernard, by whom he had several children, the third of whom, Pierre Gustave Toutant Beauregard, is the subject of this sketch. On his mother's side General Beauregard is a descendant of the Dukes of Reggio and Modena and consequently of the noble house of Este. His maternal great-grandfather was the Chevalier de Reggio, a kinsman of the reigning dukes, who, accompanying his friend, the Duke de Richelieu, to the siege of Berg-ap-Zoom, so distinguished himself that he was given a captaincy (in those days a high position) in the French army, by Louis XV., and was sent to Louisiana with his company. When, under Charles III., Louisiana passed to the Spanish Crown, the Chevalier de Reggio was made "Alferez Real." He married Miss Fleurian and had two sons, the second of whom, Louis Chevalier de Reggio, married Louise Judith Olivier de Vezin, and died leaving two sons and one daughter; the latter subsequently became the wife of Jacques Toutant Beauregard and the mother of General Beauregard. Pierre Gustave Toutant Beauregard was sent, at eleven years of age, to New York city for his education, and in 1829 became a pupil at the private school of Peugnet Brothers, both of whom were ex-captains of the French service, one a graduate of the Polytechnic School, and the other of the Cavalry School at Saumur; this was known as the "French School," and obtained a great reputation more particularly as a commercial and mathematical school.

In January, 1834, he went to West Point to be prepared for the Military Academy, and having received his appointment as a cadet, entered that celebrated institution in June, 1834. He was second in his class during the four years he

remained at West Point, and graduated thence July 1st, 1838, second in a class of forty-five graduates, at the age of twenty. According to the West Point regulations those five who take the highest honors are entitled to select that arm of the service to which they desire to be appointed. Beauregard, who stood at the head of his class in strategy and tactics, selected the Engineer corps, and was accordingly appointed Second Lieutenant of Engineers in the United States Army, July 7th, 1838. He was promoted to a first lieutenancy, June 16th, 1839. At the breaking out of the war with Mexico he was among the first to apply to the War Department to be assigned to active duty. In the winter of 1846-47 he fortified Tampico according to the plans agreed upon by Captain J. G. Barnard, of the United States Engineers, and himself. In March, 1847, he joined the expedition under General Winfield Scott against the City of Mexico. He distinguished himself at the siege of Vera Cruz, where he selected the sites of most of the batteries, which reduced that city after a siege of about two weeks; in reconnoissances before the battle of Cerro Gordo, and in the battles of the valley of Mexico, for which he was twice brevetted for gallant and meritorious services—once for Contreras and Cherubusco, and again for Chapultepec and the Garita of Belen, being twice wounded at the assault on the latter. At a council of general officers held at Pieded, September 11th, 1847, he advocated in opposition to most of the other officers present, an attack on Mexico by the western approaches, a plan which was finally adopted. On his return from Mexico, Beauregard, now a Major by brevet, resumed his duties in the Engineer service, being stationed at New Orleans, where, besides his military duties, he was intrusted with the superintendence of the construction of the New Orleans Custom House and Marine Hospital. He was promoted Captain of Engineers March 3d, 1853, and remained in charge of the Mississippi defences in Louisiana until November, 1860, when he was selected by President Buchanan as Superintendent of West Point Military Academy. He was appointed November 20th,

1860, and assumed the duties of that position early in January, 1861, with the rank of Colonel. Owing to political complications and the secession of Louisiana, he resigned his commission in the army of the United States, February 20th, 1861, and returned to cast his lot with that of his native State, where his home and kindred were. Whether she was right or wrong he never stopped to consider; her call was to him that of a beloved mother appealing to a son for help in a moment of distress. His attachment to the Union was great, but to Louisiana it was greater, and the fact of her being apparently on the weaker side, was to his chivalrous nature an additional claim on his devotion. He was at once summoned to Montgomery, Ala., where the Provisional Government of the Confederate States was in session, and on March 1st was made Brigadier-General in the Confederate States Army, the first in that service. He expected to have returned at once to New Orleans to defend it against the Federal forces, but was ordered to Charleston, S. C. Soon after the inauguration of Abraham Lincoln, commissioners from the Confederate Government at Montgomery proceeded to Washington, D. C., to urge a peaceable separation and to negotiate for the transfer of Government property, and in particular for the removal of the Federal garrisons from Forts Pickens and Sumter, S. C. They were told by Secretary Seward that to treat with them officially might embarrass Lincoln's administration, but they were assured through an intermediate party that the military status of the South would be undisturbed, and Fort Sumter evacuated. These assurances proved treacherous, and were only a trick to gain time for collecting armaments and preparing war measures against the South. On 8th April, 1861, an expedition started from New York to convey, as was announced, "provisions to the starving garrison" of Sumter, but it consisted of no less than eleven vessels with an aggregate of 285 guns and 2,400 men. The Federal Government by its treachery compelled the South to take the initiatory step of resistance, and thus give it the color of commencing the war. If the first shot was

fired by the South, the first military aggression that provoked it was given by the North, upon whom rests the true responsibility of the war. General Beauregard, on assuming the command at Charleston, demanded from Major Anderson the evacuation of Fort Sumter, offering him the honorable terms of transferring his garrison to any post in the United States he might desire, and to salute his flag on taking it down. Major Anderson refused immediate surrender, and General Beauregard then made a proposal to abstain from opening fire on the fort provided Major Anderson would name the time at which he would evacuate, and agree in the meantime not to use arms against the Confederates. The Federal commander replied by agreeing to evacuate Fort Sumter on 15th April, *unless in the meantime he should receive additional supplies*. As the fleet above mentioned with supplies and reinforcements was known to be off the harbor, this was not considered satisfactory, and General Beauregard sent an intimation at 3.30 A. M., April 12th, that, unless his terms were complied with, he would open fire in one hour's time. The first shot was fired at 4.30 A. M., and after thirty-three hours' bombardment the fort was reduced, April 13th, 1861, the Federal fleet lying at anchor in the distance during the action without firing a gun:

One remarkable feature connected with the reduction of Fort Sumter was the first use in naval warfare of an iron-clad battery. When General Beauregard arrived at Charleston to assume command of the forces, he found under construction a rough floating battery made of palmetto logs, which it was intended to plate with sheets of rolled iron from one and a half to two inches thick. In spite of the ridicule which met the inventor of this then novel engine of war, General Beauregard approved of the design, provided the means for its completion, and placed the battery in a position which could not be reached effectively by the land batteries, and it played an important part in that brief drama of thirty-three hours, receiving many shots without any serious injury. From this sprang the "Merrimac," plated and roofed with two layers

of railroad iron, which first attracted the attention of the civilized world to the important change the iron-plating or armor would thenceforth create in naval architecture and armaments. In this attack on Fort Sumter was also used an iron-clad land battery, built of heavy timbers, covered with a layer of railroad iron, the rails well fitted into each other, presenting an inclined smooth surface of about thirty-five degrees to the fire of Fort Sumter. This battery took an active part in the bombardment, and was struck several times, but remained practically uninjured to the end of the fight. There also was used the first rifled cannon fired in America.

Early in May, 1861, a proposition was made to the Confederate Government by John Fraser & Co., of Charleston, S. C., to buy, through their partner in Liverpool, six large steamers then for sale by the East India Company, for whom they had been just built, in consequence of the refusal of the British Government to renew its charter. These steamers were of the largest size and strongest construction, and heavily armed, being intended for the defence of the East India Company's possessions, and it was proposed to accept payment in cotton. It was suggested that these steamers should be immediately manned and equipped to transport sufficient cotton for their purchase, and as much more as was practicable, to Europe; and as the United States were not then prepared to enforce a blockade of the Southern ports, it was thought this could very easily be accomplished. Subsequently the vessels could be used as "cruisers," for which they were especially adapted, to destroy the commerce of the United States. General Beauregard introduced the representative of the firm to the Secretary of War at Montgomery, strongly urging the acceptance of the proposition "as a war measure." The offer was, however, declined by the Confederate Government, apparently for the reason that the vessels would not be required, as it was not believed that the war would last more than two or three months.

General Beauregard was impressed, from the first, with the conviction that a long and terrible

war was inevitable, and therefore realized the necessity of being prepared. A large supply of cotton in Europe would have supplied the Confederacy with the "sinews of war," and six strong and fast steamers, under such officers as Semmes and others subsequently proved themselves to be, would have driven the commerce of the United States from all the seas of the globe.

Called for by the unanimous voice of the Southern people, General Beauregard was ordered, June 2d, 1861, to take command of the main portion of the Confederate Army in Northern Virginia. He selected Manassas Junction as the point at which he would receive the attack of the Federal forces. On July 18th he fought at Blackburn's Ford the battle of Bull Run, in which, with about sixteen thousand five hundred men, he repelled General McDowell's army of about forty-five thousand. Procuring the transfer of General J. E. Johnston's forces, then confronting General Patterson at Winchester, and General Holmes' troops from Acquia Creek, to form a junction with his own, he signally routed the Federal army under General McDowell at the battle of Manassas, July 21st, 1861. In this, the first great battle of the war, General Beauregard's conduct had been most admirable; not only had he obtained a glorious victory, but he had shown so much caution and moderation, and such chivalrous qualities in his intercourse with the enemy, that he had won golden opinions, not only for his military genius, but as a high-minded representative of the spirit and dignity of the new government. After the battle of Manassas he received on the field, from President Davis, his promotion as one of the five Generals of the Confederate States Army, as follows:

"MANASSAS, *July 21st, 1861.*

"SIR: Appreciating your services in the battle of Manassas and on several other occasions during the existing war, as affording the highest evidence of your skill as a commander, your gallantry as a soldier, and your zeal as a patriot, you are promoted to be General in the Army of the Confederate States of America, and with the

consent of the Congress will be duly commissioned accordingly.

“Yours, etc. JEFF. DAVIS.”

Much curiosity having been repeatedly expressed as to the reason why the pursuit of the Federals immediately after their rout at the battle of Manassas was suddenly checked, and the Confederate troops recalled towards Manassas, in justice to General Beauregard it should be stated, that having, after the close of the battle, ordered all the troops on the field in pursuit, he personally relinquished the command of the army to General J. E. Johnston, and started at a gallop to take immediate charge of the pursuit on the Centreville turnpike. He was soon overtaken by a courier, with the information that a strong body of Federal troops had crossed Bull Run and were advancing on Manassas. Taking with him some troops which had just arrived too late to take part in the action, he hurried to the spot indicated, only to find that it was a false alarm growing out of some movements of Confederate troops which had been mistaken, through their similarity of uniform, for Federals. As it was by this time quite dark, and the men were greatly jaded by their long march during that hot July day, he directed them to halt and bivouac where they were, and this will explain why no sustained vigorous pursuit of McDowell's army was made that evening. Any pursuit of the Federals next day toward the Long Bridge over the Potomac could have led to no possible military advantage, protected as that position was by a system of field-works, and even had there been no such works the bridge, a mile in length, was commanded by Federal ships of war; and a few pieces of artillery or the destruction of a small part of the bridge, could have made its passage impracticable. General Beauregard's plan was to pass the Potomac above Washington at Edward's Ferry, and with the hope of undertaking such a movement he had caused a reconnoissance of the country to be made in the month of June, but the necessary transportation, even for the ammunition essential to such a movement, had

not been provided, nor was there twenty-four hours food at Manassas for the troops brought together for that battle.

At the end of January, 1862, General Beauregard left Centreville, Va., under orders attaching him to the Confederate forces in the West. After conferring with General Albert Sidney Johnston, then at Bowling Green, Ky., he established his head-quarters at Jackson, Tenn., on 17th February, and commenced at once to form an army at Corinth, Miss. He took command of the Army of the Mississippi, March 5th, 1862, calling upon the Governors of the States of Tennessee, Mississippi, Louisiana and Alabama for all the volunteer troops they could send him, and while assembling his forces at Corinth, fortified the Mississippi at Madrid Bend and Island No. 10 against Commodore Foote's fleet. Meanwhile he urged General A. S. Johnston, who had fallen back from Nashville in the direction of Stevenson, Ala., to join him at Corinth, in order that they might together fall upon and crush the Federal army under General Grant, at Pittsburg Landing, before it had been fully concentrated for offensive operations. At first General Johnston did not seem to see the necessity of the proposed concentration, but by the middle of March he announced that he had concluded to make the junction. On General Johnston's arrival at Corinth, he desired to transfer the direct command of the united armies to General Beauregard, and to confine his own functions to those of a Department Commander, for the patriotic and unselfish reason that he feared he had lost the confidence of the people and the troops in consequence of the resent disasters in Middle Tennessee. General Beauregard promptly declined the offer, urging General Johnston to remain at the head of the army, and pledging him cordial support as his second in command. In the meantime the Federal forces at Pittsburg Landing were daily gaining strength, and it became apparent that if they were to be attacked by the Confederates at all, it must be not later than the commencement of April. To General Beauregard was left practically the organization of the Confederate army

for an early offensive movement against the enemy. On the night of the 2d of April he received information that a strong Federal force, believed to be General Wallace's division, was menacing Bethel Station, on the Mobile and Ohio Railroad, about twenty-four miles north of Corinth, and at once gave it as his opinion that the moment had arrived to strike the enemy. At a personal conference held at General Beauregard's head-quarters, at which were present Generals A. S. Johnston, Bragg, Polk and Hardee, the details of the advance and attack upon Pittsburg Landing were minutely explained to those officers, as it was feared that time would not permit of the preparation of the "written" orders to the corps commanders. At twelve o'clock noon of the 3d of April, the time prescribed by General Beauregard, the troops were all under arms in the streets of Corinth, but it was not until dark that they eventually filed out of the town, owing to one of the corps commanders who delayed his corps for the "written order" to march. The other two corps being in the rear of the one referred to, were unable to move until he had cleared the way. But for this inexcusable delay the Confederate army could with ease have reached the immediate vicinity of the enemy by the afternoon of the 4th of April, and made the attack, as General Beauregard had planned, on the morning of April 5th; in which case General Buell would have reached the field entirely too late to retrieve the disaster which was inflicted on General Grant on April 6th, and would himself have been forced to retire from Middle Tennessee. An impolitic reconnoissance in force on the 4th April by Colonel Wheeler, acting under General Bragg's orders, had forewarned the Federal commander of the near approach of the Confederate army. At a council held in the afternoon of April 5th, when within four miles of Pittsburg Landing, General Beauregard expressed to General Johnston his fears that in consequence of the delay in quitting Corinth, the tardiness of the march and the injudicious notice given to the Federals, by that reconnoissance, of the close proximity of the Confederate forces, the whole plan of operations had been foiled; as its success had been based entirely upon the expectation of effecting a complete surprise. General Johnston, while acknowledging the force of General Beauregard's objections, did not consider that he could, under the circumstances, withdraw without giving battle, and the attack was accordingly made on the morning of the 6th April precisely in the manner prescribed in General Beauregard's general order of the 3d April. About half-past two o'clock in the afternoon of the 6th, on the death of General A. S. Johnston, General Beauregard assumed the chief command and gave orders to press on the attack in every direction. About sundown, finding that his raw undisciplined troops were scattered in every direction, not only by the severity of the contest but by the broken and wooded nature of the country, and ascertaining that the attack then going on was too scattered and weak to dislodge the enemy from the protection of his land batteries and gunboats, he determined to take advantage of the few remaining moments of daylight to reorganize his troops so as to be in readiness to meet the onset of Wallace's fresh division on his left flank and Buell's forces in his front at daylight. On the 7th April, with some fifteen thousand effectives, he withstood the Federal forces, reinforced by General Buell's army of thirty-five thousand men, from sunrise until two P. M., and retreated that evening unmolested to Monterey and Corinth, with thirty captured cannon, twenty-six stands of colors, and over three thousand prisoners. He fortified and held Corinth against a greatly superior force under General Halleck until May 30th, when he evacuated that city, carrying off his vast depot of military stores, and made a masterly retreat to Tupelo, Miss. On June 22d, by the advice of his physicians, he temporarily withdrew his head-quarters to Bladon, Ala., leaving the army to be reorganized by General Bragg, who, upon this pretext, was assigned by the War Department permanently to the command. The administration at Richmond had about this time become hostile to both General Beauregard and General Joseph E. Johnston without any known

cause, and this opportunity was seized upon to deprive General Beauregard of his command, without passing the order through him or even furnishing him with a copy. In September, 1862, at the request of Governor Pickens of South Carolina, he was ordered to assume command of the Department of South Carolina and Georgia, and established his head-quarters at Charleston, S. C. He found the defences of these two States in a defective and incomplete condition, with several points unprotected, and having inspected the defences of Charleston and Savannah, made a requisition on the War Department for the additional troops and heavy guns deemed necessary. Neither could be furnished, however, owing to the pressing wants of the Confederacy at other points.

Shortly afterwards Florida was added to his command, but without any increase of troops or guns except the few already in that State; and later on several brigades were withdrawn, notwithstanding his protest, to reinforce the armies of Virginia and Tennessee. There was to be defended from serious penetration a coast-line of three hundred and fifty to four hundred miles, with several ports and harbors in the possession of the enemy whose armed fleets and transports swarmed all the waters, while a Federal army, generally twenty thousand strong, could at any time be thrown upon any vulnerable point from Georgetown, S. C., to Jacksonville, Fla. He established a series of signal stations at frequent intervals along this immense coast-line, from North Carolina to Florida, communicating with the telegraph lines, and by this means was immediately advised of the movements of any Federal vessels passing. One regiment was constantly and other two regiments were kept in readiness to move at a moment's notice, with sixty rounds of ammunition in their cartridge-boxes and three days' provision in their haversacks, with the necessary cars waiting to transport them to any point that the signal-officers might indicate as threatened by a Federal fleet. In this manner General Beauregard had due notice of the approach of General Seymour's expedition against Florida, and was thus enabled

to send troops to the support of the local forces and signally defeat him at the battle of Olustee. The successful defence of that large department under such circumstances was one of the most brilliant achievements in modern warfare. In Charleston harbor, from Fort Sumter to Fort Moultrie, a rope obstruction was stretched, with two lines of torpedoes a few hundred feet in advance of it; it consisted of two heavy cables about five or six feet apart, the one below the other, and connected together by a network of smaller ropes. The anchors were made fast to the lower cable, and the buoys or floats to the upper one, which carried a fringe of smaller ropes floating as so many streamers on the surface and destined to foul the screw propeller of any steamer which might attempt to pass over the obstruction. The torpedoes floated a few feet below the surface of the water at low tide, and were arranged to explode by concussion.

The first torpedoes used in the war were placed in the James river, below Richmond, by General G. R. Rains, who afterwards became Chief of the Torpedo Bureau. To General Beauregard, however, belongs the credit of having recognized from the first the wonderful capabilities of this terrible engine of modern warfare, and of giving every encouragement and assistance to practical experiments with this newly invented arm. The spar torpedo, as an attachment to vessels, now in general use in the Federal navy, was first used under his direction against the blockading fleet off Charleston. The "New Ironsides," an iron-clad steamer throwing a much heavier weight of metal at each broadside than all the monitors of the Federal fleet together, was the most effective vessel employed against the batteries, and repeated efforts were made by General Beauregard to blow her up with torpedoes. The first attempt failed through the accidental fouling of the spar, with which the boat was provided, in the anchor-chain of the "Ironsides." The next attempt made against this much-dreaded naval Goliath was by a cigar-shaped boat, the "David," specially planned and constructed for the purpose: it was about twenty feet long, with a di-



iameter of five feet at its middle, being propelled by a small screw worked by a diminutive engine, and was fitted with a spar torpedo. She struck the mammoth iron-clad with her torpedo about six feet under water, but, fortunately for the steamer, she received the shock against one of her inner bulk-heads, which saved her from destruction. The "New Ironsides" never fired another shot after this attack upon her; she remained some time at her anchorage, off Morris Island, undergoing repairs, and ultimately was taken to Philadelphia, where she remained until destroyed by fire, after the close of the war. Another torpedo boat, called from its shape the "fish torpedo boat," was propelled by a screw worked from the inside by seven or eight men, and so contrived that it could be submerged at pleasure and worked under water for several hours at a time. After several accidents, through inexperience in its management, it was used, though not as a submarine machine, against the Federal steam sloop-of-war "Housatonic," a powerful new vessel, carrying eleven guns of the largest calibre. The "fish torpedo boat" was fitted with a spar torpedo, and struck and sunk the "Housatonic," but from some unknown cause was sunk itself, and all on board perished. After this the Federal officers became very watchful, and surrounded their steamer at night with nettings and floating booms, to prevent the torpedo boats from coming near enough to do them any injury. Torpedoes were also planted, by General Beauregard's directions, in the channels of some of the rivers, and several large steamers were destroyed and others deterred from entering the rivers. Seven iron-clads, eleven wooden war vessels and six army transports were destroyed by Southern torpedoes during the war, and more were seriously damaged. On April 6th, 1863, Admiral Dupont made his attack on Fort Sumter and the works on Sullivan's Island, with seven monitors, the "New Ironsides," and several gunboats and mortar boats, supported by General Hunter's army. This naval attack was more formidable from the character of the vessels engaged, and the magnitude of the calibre of the armaments,

than any other fortifications had ever been subjected to, but in less than forty minutes five of the nine iron-armored vessels were placed *hors de combat*, and the Federals were completely repulsed. One of the monitors, the "Keokuk," sank at her anchors that night, and Admiral Dupont, "feeling convinced of the utter impracticability of taking the city of Charleston with the force under his command," returned with all of his fleet, except the "New Ironsides," to Port Royal. One of the principal causes of the Confederate success on that occasion, exclusive of the gallantry and discipline of the troops, was attributable to the fact that General Beauregard, on his arrival at Charleston, in September, 1862, had as many of the guns as he could rifled and banded, and attached to them an ingenious traversing arrangement to keep guns aimed at movable objects, and fire them as accurately as though those objects were stationary. However slow or fast the Federal vessels moved in their evolutions, they received a steady and unerring fire, which at first disconcerted them, and at last gave General Beauregard a brilliant victory. The General was of opinion that, had this naval attack on Fort Sumter been made at night, while the fleet could have easily approached near enough to see the fort—a large, lofty object, covering several acres—the monitors, which were relatively so small and low in the water, could not have been seen from the fort, and it would have been impossible, therefore, for the latter to have returned with any accuracy the fire of the fleet; this plan of attack could have been repeated every night, until the walls of the fort should have crumbled under the enormous missiles which made holes two and a half feet deep in the walls. The damages of the night could not have been repaired during the day, and Fort Sumter thus attacked must have been disabled and silenced in a few days. Such a result at that time would have been necessarily followed by the evacuation of Morris and Sullivan's islands, and soon after of Charleston itself, for General Beauregard had not yet had time to complete and arm the system of works, includ-

ing James Island and the inner harbor, which enabled him six months later to bid defiance to Admiral Dahlgren's powerful fleet and General Gillmore's strong land forces. Another cause of their success was that a short time before the battle General Beauregard had ordered that one-third of the available ammunition should be expended in practising at movable targets, made somewhat in the shape of a monitor and allowed to float out of the harbor with the strongest ebb-tides. The result was that the officers and men knew exactly what to do and how to do it.

In July, 1863, a combined land and sea attack on Fort Sumter and the batteries was made by General Gillmore and Admiral Dahlgren. On the 16th of July the completeness of General Beauregard's works on James Island enabled a small force to signally defeat a strong column under General Terry. On the 18th of July and for fifty days afterwards Battery Wagner successfully withstood a combined naval and land attack of a magnitude that no other single work, of any size or armament, ever had brought to bear upon it. On the 18th of July it bore the brunt successfully for eight hours, without an instant's cessation, of the fire of the "New Ironsides" and five or six monitors, with their 11-inch and 15-inch guns, and five unarmored vessels, together with several land batteries, and remained in condition to inflict one of the bloodiest defeats known in history upon the powerful column General Gillmore sent to storm it. Subjected to an incessant daily bombardment from Dahlgren's fleet and Gillmore's breaching batteries and mortars, for fifty days, until the Federal troops had dug their way up to the glacis and planted their flag on the very verge of the counter scarps of the work, such was the admirable system that the defence was crowned by an evacuation of Battery Wagner and of Morris Island which has no parallel in ancient or modern warfare for its skill. General Beauregard's principal object in holding Morris Island so long and tenaciously was to enable him to complete and arm his interior line of defences, which could not be finished sooner for the want of labor and guns. These

were completed about the 1st of September, and Batteries Wagner and Gregg being no longer tenable he evacuated Morris Island, a very difficult and dangerous movement, with secrecy and success.

Fort Sumter was intended for three tiers of guns, two in casemates and the upper one in "barbette;" in 1863 it had guns only in the lower tier of casemates and in the tier of barbettes. When the attack from Morris Island was about to commence, the guns of the lower tier of casemates, facing or exposed to a fire from that island, were removed to new batteries in the harbor, and those casemates were, by General Beauregard's orders, solidly packed with wet cotton bales, wet sand-bags and wet sand, so as to form a solid mass of about twenty-five feet in thickness to resist the shots of the enemy. Sand-bags were also piled up against the face of the scarp-wall, as the upper tier of casemates and the barbette walls were demolished by the enemy's shots and shells, their débris adding still more to the thickness of the lower tier of casemates. The general débris of the fort was used in constructing traverses and covered ways inside of the fort for the protection of the garrison. A few months after the firing had commenced, all the guns of the fort had been dismantled, and some more or less severely injured, except one 24-pounder, which was used during the whole siege in firing the morning and evening guns. About a year after the commencement of the siege, six of the heaviest guns were remounted in the lower tier of casemates, facing the entrance to the harbor; the other guns, which had not been injured, had been removed, as soon as dismantled by the enemy's fire, to the new batteries constructed to defend the harbor in place of Fort Sumter. The fort had by this time become an entirely inert defensive work, but General Beauregard was compelled to hold it in order to retain possession of Charleston harbor. The Federal bombardment was kept up for about eighteen months, but for the last six months only occasional shots were fired, as it was found impossible to dislodge the garrison. The walls were bat-

tered down to the lower line of casemates, the tops of which were protected by means of traverses and heavy embankments, that had been constructed from the débris and by excavating the parade ground. The front, facing Morris Island, was protected by wet cotton bales, sand-bags, etc., as before described. General Beauregard's plan was to repair during the night the damages inflicted by the bombardment in the daytime, for which purpose 150 laborers, mostly negroes, were employed in addition to the garrison.

Immediately after the evacuation of Morris Island, Admiral Dahlgren demanded the surrender of Fort Sumter, saying he wished to avoid further effusion of blood, and that the position was no longer tenable by the Confederate forces. To this demand General Beauregard replied that if Admiral Dahlgren wished to gain possession of those ruins, he would have to take them by force. Anticipating that Dahlgren would make a night attack, Beauregard made all the necessary preparations for the defence of the position; ordering the batteries around the harbor to be manned every night with guns loaded, and aimed at and around the ruins; besides having guard-boats in advance of the fort constantly on the watch, with signal-rockets to be fired when the enemy appeared. At these signals all the batteries around the harbor were to open simultaneously and continuously, until stopped by other signals from the fort. A night or two after the evacuation of Morris Island, at about one o'clock A. M., signal-rockets were fired by the guard-boats, and all the batteries immediately opened fire, according to orders, just as the Federal boats had reached the foot of the débris at the fort. The whole affair lasted little more than a quarter of an hour, in which time many of the boats were destroyed and the rest driven away, leaving about one hundred and thirty-five officers and men prisoners to the garrison, which had opened fire on the attacking party with musketry and hand-grenades. It was one of the most signal and brilliant repulses of the war. Fort Sumter was never surrendered; but when, in March, 1865, General Beauregard concentrated all the scattered forces of the

department at and about Columbia, S. C., and it became necessary to evacuate Charleston, the garrison was withdrawn from the dismantled ruins, which had been held for four years continuously, in the face of the longest and most terrible bombardment known in history.

In May, 1864, General Beauregard was transferred to the Department of North Carolina and Southern Virginia. Arriving at Drury's Bluff on the 14th May, he found the place defended by about 10,000 Confederate troops and invested by General Butler with from 25,000 to 30,000 men. He at once despatched an officer to the President, suggesting that he should be reinforced immediately by a part of the garrison of Richmond, and about 10,000 men from General Lee's army, to enable him to take the offensive at daybreak next morning, promising to capture or destroy the whole of Butler's army, when he would be able to move at once to the assistance of General Lee by crossing the James river and the Chickahominy to attack General Grant on his left flank and rear, whilst General Lee would attack him in front. He felt confident that Grant's forces would be so crippled by this sudden onset at the very time when they would first hear of Butler's defeat that they would be paralyzed for the rest of the season, and the road to Washington might thereby be opened to the Confederates for an offensive movement; moreover, that city was then defended only by a small garrison, nearly all the troops having been withdrawn therefrom some time previously to reinforce General Grant. The probabilities of success appear greater in the light of later events, as we find that General Grant reported at that period that he was compelled to remain inactive several days to await further reinforcements. President Davis, however, fearing to withdraw any troops from General Lee, felt compelled to reject this plan which might have enabled the Confederates to dictate peace in the capital of the United States. The following letter to General Braxton Bragg, then holding the position of General Commanding the Confederate States Armies, gives the plan in extenso:

"HEAD-QUARTERS DEP'T OF N. C. AND SOUTH VA.  
"DRURY'S BLUFF, *May 14th, 1864.*

"GENERAL BRAXTON BRAGG, *General Commanding C. S. Armies, Richmond, Va.:*

"Considering the vital importance of the issue involved and resting upon the plan I suggested to you this morning, I have deemed it desirable and appropriate that its substance should be briefly communicated in writing, as follows: General Lee's army at Guinea's Station and my command at this place are on nearly a right line passing through Richmond, Grant's army being on the left flank and Butler's on the right; our lines are thus interior. Butler's aim is unquestionably to invest and turn Drury's Bluff, threaten and hold the Petersburg and Danville railroads, open the obstructions in the river at Fort Drury for the passage of war vessels, necessitating, then, the retreat of General Lee to the lines about Richmond. With the railroads held by the enemy, Grant in front and Butler in rear of the works around Richmond, the capital would be practically invested, and the issue might well be dreaded. The plan suggested is, that General Lee should fall back to the defensive lines of the Chickahominy, even to the intermediate lines of Richmond, sending temporarily to this place 15,000 men of his troops, including about 5,000 men at Richmond; immediately upon that accession to my present force, I would take the offensive and attack Butler vigorously. Such a move, properly made, would throw me directly upon Butler's communications, and, as he now stands, on his right flank, well towards the rear: General Whiting should also move simultaneously. Butler must be then necessarily crushed or captured, and all the stores of that army at Bermuda Hundreds would fall into our hands; an amount, probably, that would make an interruption in our communications for a period of a few days a matter of no serious inconvenience. The proposed attack should be accomplished in two days at furthest after receiving my reinforcements; this done, I would move with 10,000 more men to the assistance of General Lee than I received from him, and Grant's fate would not long

remain doubtful. The destruction of Grant's forces would open the way for the recovery of most of our lost territory, as already submitted to you in general terms. Respectfully, etc.,

"G. T. BEAUREGARD,  
"General."

On the 16th of May he defeated Butler's army, inflicting on him a loss of over 3,000 men, completely covering the southern communications of Richmond, and thus securing one of the principal objects of the attack.

After the battle of Cold Harbor, forecasting Grant's future movement to the south of the James river, he forewarned the Confederate Government of it (June 7th and 9th), but unavailingly, and hence, on June 15th, 16th, and 17th, with a force of but 5,700 men, gradually increased to not more than 10,500, he withstood, in front of Petersburg, the onslaught of four of the successively arriving Federal army corps, of about 20,000 men each, till he was reinforced on June 18th by Kershaw's division of Lee's army, 5,000 strong, when Grant was finally repulsed and his operations virtually reduced to a siege. The new trench-lines taken by General Beauregard during this three days' battle were held by the Confederates to the end of the war. This achievement, unique in the history of the war, gave to the Confederacy a ten months' extension of life.

Previous to the explosion of the "Crater" in the lines of Petersburg, July 30th, 1864, General Beauregard had made ample preparations to meet this event. It was not known exactly at what point the mine would be exploded, but it was readily supposed that it would be on the front guarded by his troops, and as there were but three salients on the line offering any advantages for mining purposes, he had commenced counter-mining at two of the principal ones to defeat the object of the enemy. General Beauregard had moreover erected batteries of twelve-pounder Napoleons and eight-inch and ten-inch mortars on elevations, in rear of his front, to command the approaches to those points, and had given all necessary orders to prevent a panic, confusion or delay, in the

event of a mine being exploded under any one of the salients referred to. He had also constructed gorge-lines in rear of them for the troops to retire into if necessary. A little before 5 o'clock A. M. on July 30th, 1864, the explosion occurred: after a severe and gallant struggle of several hours, the Federals, who had held temporary possession of the "Crater" salient and a small part of the lines, were successfully driven out of the works with a loss in killed, wounded and prisoners of about 6,000 men, while the Confederate loss was about 2,000. In October, 1864, General Beauregard was assigned to the Military Division of the West, comprising the departments of Lieutenant-Generals Hood and Taylor. The chief forces, some 36,000 strong, under General Hood, were then being detached on an eccentric movement against Nashville, while those under General Taylor were retained to confront the Federal forces operating from New Orleans and Mobile. To oppose General Sherman's 65,000 veterans, moving from Atlanta across Georgia to the Atlantic coast, during the fall of 1864, General Beauregard had only some 5,000 cavalry and a few thousand infantry, the latter being mostly militia. While Sherman was operating round Savannah, he, hastening from Northern Alabama, skilfully withdrew, December 20th, General Hardee's 10,000 men to the vicinity of Pocatigo, S. C., and in the rear of the Salkahatchie.

While endeavoring, during the last months of the Confederacy, to collect, at Augusta, Ga., the débris of Hood's Tennessee army, and other scattered commands, he urged, though unavailingly, on the Confederate War Department, the concentration of all available forces for a final decisive offensive movement from interior lines against Sherman and then Grant. In April, 1865, he was voluntarily assisting General J. E. Johnston in North Carolina, when the war ended and he surrendered with that officer at Greensboro, N. C. In closing this brief account of General Beauregard's military career, we cannot forbear quoting the following just tribute to one of his most characteristic qualities which appeared in

a Southern journal: "In one quality of a great General, he was without a compeer. We mean in the indescribable magnetic influence which a few men appear to have wielded over large masses. Wellington did not possess it, nor Marlborough, nor indeed, we believe, did General Lee. Their troops had great, indeed unbounded, confidence in them; but it seems to have been the confidence which grew out of trial, and ripened through success. But Beauregard was beloved of every army he commanded from the day he assumed the baton, and we are confident that, on the last day of its organization, the grand Army of Northern Virginia would have greeted his presence among them with shouts of joy and demonstrations of wild affection which no other living man could elicit. Napoleon possessed this quality in a striking degree—Stonewall Jackson possessed it to a great extent. Amongst the Federal Generals, we think General Sherman exhibited more evidence of it than any other, unless, perhaps, General McClellan. But, for Beauregard, whether he commanded on the banks of the Tennessee, on the dreary sand-hills of Corinth, in the much-bombarded 'City of the Sea,' or in the well-defended lines which looked on classic Potomac, his troops ever showed the greatest enthusiasm, the most ardent affection." General Beauregard, in the early part of the struggle, advocated the formation of one or two companies of colored troops to each regiment for pioneer and police service, including that of cooks, teamsters, and laborers, in the erection of fortifications under a military organization and regimental relation, so as to become, subsequently, if found expedient in the course of the war, the nucleus of colored regiments and brigades. In the summer of 1864, while at Petersburg, he agreed with General Lee that the colored troops should be called out and regimented, to guard the less-exposed forts, arsenals, etc., so as to allow the well-disciplined white garrison to be sent to the field. The Confederate Congress finally passed a law arming the colored people of proper age, granting them their freedom, etc., but, before it could

be carried into effect, the Confederacy came to an end. During the destruction of Fort Sumter in 1863-64, General Beauregard employed some one hundred and fifty colored laborers in the fort to assist in building up the parapets, etc., with the débris of the walls and casemates. These laborers generally remained a week at a time exposed, like the white troops, to one of the severest and longest bombardments recorded in history, and, as a rule, behaved well under fire. It may be here incidentally mentioned that General Beauregard is now engaged in the preparation for the press of a narrative of the military operations in which he took part from April, 1861, to May, 1865. The war being over, he returned to New Orleans, where he has resided ever since. In 1866, when war was imminent between Turkey and the Danubian principalities, the chief command of the Roumanian army was offered to General Beauregard; and, in 1869, he was offered the chief command of the army of the Khedive of Egypt; both of these offers, however, he declined.

He was offered by the government, in 1879, an appointment on the Mississippi River Commission, but declined because his other engagements prevented him from devoting all his time and attention to the important duties of that commission, on whose decision will depend, in a great measure, the future commercial prosperity of the whole Mississippi valley. In a letter to General Randall R. Gibson, dated February 7th, 1878, in which he exposes the fallacies of the Levee Commission and others, he points out, "that this great navigable highway of half the continent might be so improved as to secure a ship-channel from the mouth to Cairo or perhaps St. Louis;" General Beauregard also suggests, "that Congress should appropriate the sum of \$300,000 for a thorough hydrographic survey of the Mississippi river and its principal tributaries with a view to increasing the navigable depth, obviating the existing dangers due to sand-bars, snags, etc., and to lowering its flood-line, thereby making a levee system more practicable and less expensive. Also another sum, say \$3,000,000, to allow Captain Eads, under

the supervision of a commission of three or five engineers, to apply his plan of improvement in a section of the river of — miles, above or below Memphis, where the bars may be worst. That experiment, which is worthy of the stated sum, would not only test the system, but furnish data to make a correct and reliable estimate of the cost for the protection of the alluvial basin from New Orleans to Cairo, after the hydrographic survey above referred to shall have been completed." This letter was referred to by General Gibson in his speech before the House of Representatives in Congress, February 5th, 1879, "On the Improvement of the Mississippi River."

General Beauregard has been President of two important railroads, the New Orleans, Jackson, and Great Northern Railroad, and the New Orleans and Carrollton Railroad. He is now Adjutant-General of the State National Guard of Louisiana; President of the Co-operative Claim Association of America, St. Louis; and one of the Liquidators of the Southern National Bank of New Orleans.

General Beauregard has been twice married. In 1841 he married Miss Laure Villeré, of New Orleans, granddaughter of Governor James Villeré, the second American Governor of Louisiana. This lady died in 1850. In 1860 he married Miss Caroline Desloude, daughter of a large sugar-planter in St. James' parish, La., and grandniece of Mr. Poydras, a wealthy and benevolent citizen of New Orleans, who left his large fortune for the benefit of the poor: he was a State Senator for many years, and owned several sugar plantations; the Poydras Asylum for Orphans was endowed by him, and Poydras Street in New Orleans was named in his honor. General Beauregard's second wife was a sister-in-law of the Hon. John Slidell, United States Senator from Louisiana before the war, and afterwards Confederate States Minister to France. The General had been married to his second wife only about nine months when he was summoned to Montgomery, Ala., by the Confederate Government. He anticipated returning at once to New Orleans, but was ordered to

Charleston, and from thence to Virginia, etc., and had no opportunity of returning to his native State until after the war had terminated. His wife died in New Orleans in 1864, one year before the end of the war, without having again seen the General, who had remained at his post in the field, although anxious to bid adieu to his beloved wife whom he had not seen since his departure from New Orleans more than three years previously.

He has two sons and one daughter, the children of his first wife; his eldest son, Major René Toutant Beauregard, was, during the war, an officer of artillery, and commanded a battalion of light artillery in the Army of the Tennessee; his second son, Lieutenant Henry Toutant Beauregard, was attached to the First Regiment of South Carolina Infantry, and stationed in Charleston harbor. By his second wife he had no children. Attached to General Beauregard's personal staff during the war were his brother, Major A. N. T. Beauregard, and a nephew, Major Alcéé T. Beauregard. On his general staff, Major Edmund Desloude and Captain S. R. Proctor, both brothers-in-law of the General, were Assistant Quartermasters; and Richard T. Beauregard and Arthur Legendre, both nephews of the General, were engaged in the office. Another of his brothers-in-law, Hon. Charles J. Villeré, a grandson of Governor Villeré, of Louisiana, was a member of the Confederate Congress from the First District of Louisiana. Numerous other relatives of General Beauregard served in the Confederate army in different positions.

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HON. A. P. ALDRICH.

SOUTH CAROLINA.

**A**LFRÉD PROCTOR ALDRICH was born in Charleston, S. C., June 4th, 1814, and is the son of Robert Aldrich, merchant, who was born in Mendon, Mass., and came to Charleston, S. C., when eighteen years of age, where he continued in business until his death, at the age of seventy-two years. The Aldrich family are of English

descent. Some members of the family came over to New England in the expedition following that of the "Mayflower," and settled in Mendon, Mass., about 1621. The family residence, an old stone house, is still in the possession of a member of the family. Dr. Whipple Aldrich, of St. Mary's, Georgia, and a planter on St. John's river, was a brother of Robert Aldrich, as was also Essick Aldrich, merchant, of Providence, R. I., while Mrs. Waterman, of Providence, R. I., is a sister. T. Bailey Aldrich, the poet, author of several sweet poems and prose works, is a cousin of the subject of this sketch.

Alfred P. Aldrich received his early education in Charleston, his first preceptor being Dr. Mackey, the father of Dr. Albert G. Mackey, the distinguished Freemason, and Grand Secretary of the Order for the United States, in Washington. From that school he went to the Charleston College, of which the Rev. Jasper Adams was then President, and was there under the immediate charge of Miles Melichamp. While at the college he had for contemporaries General James Simons, Hon. W. D. Porter, Nelson Mitchell, James Walker, Mitchell King, Henry D. Lesesne, and others. From the college he went to the South Carolina School, established under the patronage of the South Carolina Society, and then under the direction of Mr. Monk.

He commenced the study of law when between eighteen and nineteen years of age under Benjamin F. Dunkin, then a leading practitioner, and afterwards Chief Justice of South Carolina, and in May, 1835, passed his examination, was admitted to its Bar, but could not receive his commission to practise until the following month, June, when he became of age. The Court consisted of Judge David Johnson, President; Judge (afterwards Chief Justice) O'Neill, and Judge Harper, afterwards Chancellor. He first settled in Aiken, S. C., and commenced the practice of his profession in partnership with Edmund Beltinger, Jr. In 1836 he went to Florida, as a volunteer in the Barnwell Company, Captain J. D. Allen, but did not serve with the company. Colonel C. H. Brisbane, who commanded the

First Regiment of South Carolina in the Seminole war, took a fancy to the young soldier, and attached him to his regimental staff, where he was associated with the Hon. A. G. Magrath, who was Judge of the United States Court for the District of South Carolina at the opening of the war between the States, presided as Judge of the Confederate Court during the war, and is now one of the most distinguished lawyers in the State; Judge George S. Bryan, the present Judge of the United States Court for the District of South Carolina, Governor M. L. Bonham, Langdon Cheves, Frank Hunter, and many others, all of whom have enjoyed the highest professional and political distinctions, and have been his life-long friends. He was in the battles at Bulow's plantation, St. John's river, and Withlacoochie, and returned to the practice of his profession at the close of the campaign. In 1837 he was appointed by Governor Pierce M. Butler, Commissioner in Equity of Barnwell District, to fill the vacancy occasioned by the death of General Trotty. He was afterwards elected by the Legislature, and filled the office for three consecutive terms of four years each, practising his profession at the same time in Barnwell, Beaufort, Edgefield, Orangeburg, Kershaw, and in the Appeal Court in Columbia. In 1856 he was elected to the Legislature from Barnwell, and General James Simons, then Speaker of the House, appointed him Chairman of the Committee on Incorporations, and subsequently on his re-election Chairman of the Committee on Federal Relations. He succeeded General Simons as Speaker of the House of Representatives in 1860, and retained that office until December, 1865, when he was elected to the Bench under the old Constitution. On the outbreak of hostilities in 1861, he joined the first brigade that went to Virginia under General Bonham, and served as his Adjutant-General until after the first battle of Manassas. They were stationed first at Manassas, then at Centreville and at Fairfax, from which they retired on the 16th July, and fought the battle of Manassas on the 18th and 21st of that month. He then returned to South Carolina to attend the sittings of the

Legislature, and subsequently joined General Maxey Gregg, and was stationed at Coosahatchie, on the coast of South Carolina. Starting with his command for Virginia, where they took part in the battle of Fredericksburg, he was, when about fifteen miles below Columbia, thrown from the cars, and having his shoulder broken, was incapacitated from further duty and crippled for life. General Bonham was elected Governor of South Carolina in December, 1862, and appointed Judge Aldrich his Chief of Staff while still retaining the office of Speaker of the House. When General W. T. Sherman's army entered Columbia, Judge Aldrich's three daughters were inmates of the Convent, where large numbers of the ladies of South Carolina had sought refuge. In spite of the General's word pledged to Dr. Goodwin, as Mayor, on his surrendering the city, that no outrage by the Federal troops would be permitted, the city was, by a rocket signal from the capitol, fired in every direction, and a scene of wanton destruction and pillage ensued that would have disgraced Mexican banditti. Among other buildings the Convent was fired, and the nuns and their charges compelled to pass through the streets filled with the drunken soldiery, to seek shelter where they might. Miss Sallie Aldrich and her two sisters, Mamie and Rebecca, with that courage and heroism that was the distinguishing characteristic of the Southern ladies, after the destruction of Columbia, joined the family party of Dr. Pope, a Beaufort refugee, and walked almost the entire distance from Columbia to Barnwell, a distance of sixty-four miles, in a little more than two days.

Having been elected Judge of the Circuit Court and Court of Errors in December, 1865, he held his first court at Charleston, in January, 1866, and among the cases was that of a white man who was convicted of larceny, a very unusual offence among the white population, and sentenced, as the law then demanded, to receive the lash. General Sickles was at that time in command of the military department of North and South Carolina, and General Bennett in command of the military district of Charleston. The morning after the sentence appeared in the



newspapers General Bennett sent to the court-house a soldier with musket and bayonet fixed to request Judge Aldrich to report at his quarters. The Judge was not at the court-house, and the soldier was referred, by the sheriff, to his private residence. Not finding him there, he called again on the following morning, and delivered a verbal message to the effect that General Bennett wanted to see him at his headquarters, to which the Judge replied by a note that as he was unaware of any business that he had with General Bennett, he declined to go to his quarters, and if the General had any business with him he would be happy to see him at his lodgings. The next morning the General sent his adjutant, with a note, in which he stated that he was much engaged in preparations to leave for Savannah, and requesting the Judge to give him an interview at his quarters. To an inquiry as to what hour would be convenient to the General, the adjutant replied that he was directed to await the Judge's convenience, which drew forth from him the question, "Am I to consider myself under arrest?" An evasive answer was returned, and the Judge being desirous of fathoming the matter, walked with the adjutant in full uniform, amid the wondering glances and muttered comments of the passers-by, up Meeting street to General Bennett's quarters, then at the Mitchell King Mansion, at the corner of Meeting and George streets. General Bennett was seated at a desk in his office with his cap on, which he did not remove on the Judge's entrance, and after a few minutes silence, during which he kept him standing, gruffly told him to take a seat. Handing him a copy of the newspaper in which a report of the trial appeared, he asked the Judge if he was correctly reported as passing the sentence of the lash, and on his replying in the affirmative, informed him that General Sickles wanted him to reconsider the sentence. The Judge replied that that was out of the question. He had passed the sentence he was compelled to do by the law of the State, and that further his court was closed, and any action in the case, as far as he was concerned, impossible. Finding that his suggestion of an appeal to

the Chief Justice was impracticable, General Bennett asked anxiously what could be done to stay execution of the sentence. To this Judge Aldrich replied that he had three courses open to him, viz.: either to turn the prisoner out of the jail, to prevent the sheriff from going to execute the sentence, or to apply to Governor Orr for a pardon. The General seeming unwilling to adopt either course, the Judge left with the assurance that there was no restraint on his motions, and on his way to his hotel called at the office of Sheriff Carew, whom he directed to serve a notice on the United States officer in command of the jail demanding the prisoner for execution of sentence. The officer sent this notice to General Bennett's quarters, and the sheriff received a notice that he would not be allowed to enter the jail for such a purpose, and the prisoner was discharged.

Judge Aldrich prepared an official report, as Judge of the court, of the case, which he forwarded to Governor Orr, recommending him to lay the whole matter before the President, and ask whether this unwarrantable interference of the military with the judicial function was permitted, as if so it would be a mere farce to continue to hold courts, and he should suspend his judicial functions. Governor Orr, without reporting the matter to the President, thought his personal influence with General Sickles would be sufficient to put a stop to such high-handed proceedings. The Governor's remonstrances, however, had little effect on General Sickles, who shortly afterwards interfered with a decision of the Supreme Court, which was then composed of Chief Justice Dunkin and Judges Wardlaw and Ingles, and seeing that the whole matter was a mere farce and a stigma on justice, Judge Aldrich refused to hold any more courts in his circuit.

It may be mentioned here that a similar interference, on the part of the military, with the decisions of the Bench took place in North Carolina, and being reported, through Governor Worth, to President Johnson, he promptly issued an order suspending all military interference with the Judiciary, and Judge Aldrich resumed his official duties. He seemed, however, fated

to fall under the notice of the military authorities then exercising control in the State, for at his next court, in Darlington, the officer in command there sent a soldier in full uniform into court to ask for a report of a case against a negro, who had been tried and convicted the day before. The soldier marched up to the Judge's seat in full uniform, with his shining gun and fixed bayonet, and deposited an official envelope on the desk. The Judge, without touching the envelope or otherwise noticing it, said: "Mr. Sheriff, take this man out; it is unseemly for an armed soldier to invade a court of justice." The man was conducted out, and it is due to the officer in command to say, that he immediately sent a polite note, saying, that the intrusion of his orderly was due to the awkwardness of the sheriff, who should have received his missive at the door. When General Canby succeeded General Sickles, the present Chief-Justice Willard was his Judge Advocate-General, and an order was issued directing the judges to draw the jurors from the qualified voters. By the Reconstruction acts, then lately passed, all persons over twenty-one years of age, whether white or black, would therefore be qualified; but the law required the judges to compose the juries of "free white men over twenty-one years of age," and that law they were sworn to carry out. The judges met to discuss the situation, and informed General Canby of the nature of the law which, by their oath of office, they were bound to administer, and asked him to modify his order. No notice, however, was taken of their respectful request, and when Judge Aldrich opened his court in Edgefield he brought to the notice of the grand jury, in his charge, this order and his oath to administer the law, and concluded the charge by asserting "that he could not and would not obey it." Thereupon he received a communication from Major Walker, then in command of that military district, asking if he had been correctly reported, to which he replied in the affirmative. The next court to be held was at Barnwell, his home, some twenty days afterwards; and just previous to going into court, with his robe under his arm,

he was met by the adjutant, who told him he had a most unpleasant duty to perform, and presented him with an order from Major Walker suspending him from his official duties. Though the adjutant attempted to dissuade him, he told him he was determined to go to the court-house to explain to the people why he was prevented from performing his duties, and accompanied by the sheriff he proceeded through the immense crowd collected, who displayed great feeling and sympathy, to the court-house. The clerk was directed to call the grand and petty juries, but not to swear them, and the Judge took his seat amidst the profoundest silence in the concourse of people who could not find standing room. In his charge to the jury Judge Aldrich brought to their notice the action of the General commanding, who had ordered him to draw the juries contrary to the laws of the land, and concluded by saying: "I now lay down my office; General Canby did not give it to me, nor can he deprive me of it. It almost breaks my heart to see my proud old native State thus humiliated in my person, but the time will come when I will yet preside in this court, a South Carolina's judge whose ermine is unstained." General Canby appointed Zephaniah Platt, the father-in-law of Mr. Willard, his Judge Advocate-General, who had lately removed from Michigan to Aiken, S. C., in Judge Aldrich's place.

Being still a Judge, he could not practise his profession in South Carolina, and therefore removed to Augusta, Ga., where he opened a law office, and the people receiving him with generous hospitality he soon entered upon a successful practice and was retained in many important cases. After two years' residence in Augusta, in which he made hosts of friends, he returned to Barnwell and resumed practice with his son, Robert Aldrich, now a member of the Legislature of South Carolina. He took no active part in politics until the memorable campaign of 1876, when he accompanied General Wade Hampton through his Congressional district, and wound up the campaign with him in Columbia. When the Hampton Government was firmly established, the Legislature and Su-

preme Court decided that the previous election for Circuit Judges was unconstitutional, and the offices vacant. A new election was held in February, 1878, and Judge Aldrich elected by acclamation Judge of the Second Circuit. He is the only Judge of the old regime now on the bench, and from one end of his State to the other has been received with a warmth and enthusiasm that seems a connecting link between the past and the present, and is good evidence that the citizens of the proud old Palmetto State have not forgotten those who have fought and suffered in their defence. On the establishment by the Legislature of South Carolina of a Court of Claims, he was appointed, much against his wish and that of his son Robert, who asked his friends not to vote for his father's appointment, Judge of that court, and before the court met he was appointed its President.

Judge Aldrich has been most unfortunate in the loss of two libraries: the first, which had been selected in a practice of forty years, and was perhaps the best library of its kind in South Carolina, out of Charleston, was burnt by Sherman's raiders; the second, which he had accumulated since the war, was burnt during the excited campaign of 1876 by some colored members of the Republican party. In these incendiary outrages were destroyed all his correspondence with the most prominent men of the State for half a century, and every speech and argument during his long legal career, and thus the whole labor of his life has been lost. His success at the Bar as an advocate is universally admitted and acknowledged throughout the State. Few lawyers have achieved greater triumphs. His great effort in Georgia, the defence of Dillon for killing Red, is still spoken of as one of the most brilliant forensic displays. Dillon was a Radical, and in the defence his counsel had to encounter not only political prejudice, but a public opinion formed by an indignation meeting of the citizens, which passed resolutions of the most inflammatory and denunciatory character. The Judge was equal to the occasion, and his nerve was only surpassed by his eloquence. His last appearance

at the Bar, either in South Carolina or Georgia, was in the Doughty divorce case, only a few days before his restoration to the Bench. In that case he is said to have surpassed himself.

This sketch cannot be closed without an anecdote of one of his early triumphs. It was a case of *habeas corpus*, in which the mother was suing her husband for the custody of her nursing infant. The mother had left her drunken husband and gone back to her father, with her baby; the father stole the child, and when he was arrested, under the writ, carried the child to jail with him. He appeared in court with the child in his arms, which he was nursing from a bottle. While the Judge was pleading for the rights of the mother to nourish it at her bosom, something that he said must have touched some chord in the father's heart, for he rose from his seat, the big tears trickling down his cheeks, and, without uttering a word, put the baby in the mother's lap, left the courthouse, and has not been heard of from that day.

During Governor Bonham's administration he was sent on a mission to the Confederate Government, at Richmond, with an offer from the State of South Carolina to build and organize a line of steamships between Charleston and Europe, for the purpose of importing munitions of war for the government, and clothing, medicines, etc., etc., for the troops, proposing by this means to entirely support the sixty thousand South Carolina troops in the field, and thus relieve the government of a great burden. The scheme, although approved by the government, was rendered impracticable through the claims of the different departments for some considerable space in the ships to import supplies for their different departments. If the State took the risk of furnishing the ships and running the blockade, for the supply of her own troops, the Governor thought it unreasonable in the government to claim any portion of the space in the vessels supplied by State patriotism for the use of her own citizens.

He married, in February, 1841, Martha, daughter of Louis Malone Ayer, who represented Barnwell in the Legislature and Senate for over

thirty consecutive years, and has eight children, two sons and six daughters. Alfred Aldrich, his eldest son, is a planter on the paternal estate in Barnwell; Robert Aldrich, who was for several years associated in practice with his father, is now a member of the House of Representatives and Chairman of the Judiciary Committee; and two of his daughters, Mrs. Rosa Aldrich and Mrs. H. W. Richardson, are married.

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DR. W. H. ANDERSON.

ALABAMA.

**W**ILLIAM HENRY ANDERSON was born in Richmond, Va., May 6th, 1820. The Andersons are of Scotch-Irish descent, and emigrated to this country about two hundred years ago. James Anderson, the grandfather of the subject of this sketch, held the position of King's Armorer at the breaking out of the Revolutionary War: he took part in the struggle for independence, and was taken prisoner while in New York by the British, because of the value of his services as an artificer. Le Roy Anderson, his son, was a highly cultivated scholar, and spoke seven or eight different languages fluently: he was educated at William and Mary College, Virginia, where he was the classmate of John Randolph, of Roanoke, and Governor Tazewell. He devoted his life to the advancement of education, and was the principal of several Female High Schools in Lynchburg and other parts of Virginia. He was one of the originators and trustees of the University of the South at Suwanee, Fla. He married Hannah Southgate, daughter of Wright Southgate, an officer of the English navy in the last century, who resigned his commission and emigrated to America. He was the intimate friend of Chief-Justice Marshall and William Wirt, and, some years previous to his death, donated over forty thousand dollars to churches and charitable institutions. Robert Anderson, brother of Le Roy Anderson, was Adjutant-General in the war of 1812-15, and will be long remembered in the lower part of Virginia for his gallant dash

with three hundred men, in which he surprised and put to flight three thousand British troops. He was an accomplished lawyer and a man of fortune, and lived to a good old age.

Dr. Le Roy Anderson, of Sumter county, Ala., a brother of Dr. William H. Anderson, was a physician of prominence in his district, and wrote some papers that attracted considerable attention. Another brother, Dr. Washington F. Anderson, is a surgeon of considerable eminence in Utah Territory, and was Surgeon to the late Brigham Young. He went out to California in 1849, but, his health failing, he was compelled to seek a greater altitude, and, in 1852, settled at Salt Lake City.

William Henry Anderson received his early education at home, under the personal superintendence of his accomplished father, until he reached his sixteenth year. He entered William and Mary College in 1839, and, having taken two courses, graduated thence in 1841. While at William and Mary he took a course of private lessons in medicine under Professor Millington. He then entered the Medical Department of the University of Virginia, and was graduated M. D. in 1842. Among his cotemporaries at the University of Virginia were John Randolph Tucker, Bishop Lay of Easton, Maryland, and Musco R. H. Garnett, a lawyer of high standing of Richmond, Va., who was killed during the war. After graduation he went to Sumter county, Ala., and took his brother's place, practising medicine there twelve months. From thence he went to Baltimore, and became a resident physician at the Baltimore Almshouse Hospital, attending a course of lectures there for eight months. He then attended a course of lectures in Philadelphia, and went from there to New York, where he spent a year attending a full course of lectures at the University of the City of New York, and visiting Bellevue Hospital daily with a private instructor. Early in 1846 he visited Europe, where he remained about four years, studying medicine and natural history. He spent a year in Paris attending the lectures of Roux, Velpeau, Jobert, and Couveilhier, and of Andral, Magendie, and Claude Bernard, taking

an eight months' private course with the latter, and making physiology his specialty. He also visited Berlin, Edinburgh, and London, attending lectures in each of those cities. He was in Paris all through the Revolution of 1848, and saw its rise and culmination, and, in connection with that struggle, saw an immense amount of military surgical operations. He returned to America in the latter part of 1849, and settled in Mobile, where he has since continued to practise. From 1853 to 1857 he was associated in partnership with Dr. G. A. Ketchum. He was one of the projectors of the Medical College of Alabama, and took an active part in its organization in 1858, and has been Professor of Physiology and Dean of the Faculty ever since its foundation. Dr. Anderson was a member of the original Committee appointed by the State Medical Association to ascertain the number of insane persons in the State, and their report resulted in the building and organization of the Alabama Insane Hospital at Tuscaloosa, one of the most perfect institutions of the kind in the South, which was opened in July, 1861. At the outbreak of the civil war all the students except four—one hundred and thirty-two in all—and all the Professors of the Medical College of Alabama went into the Confederate service. Dr. Anderson went into the field as Surgeon to the Twenty-first Alabama regiment. After three months' service, he was detached by the Surgeon-General and made Medical Purveyor of the Military District commanded by General Bragg. As Purveyor, he imported large quantities of medicine by running the blockade, besides having five or six distilleries under his charge, with two large potteries, carpenter-shops, tin-shops, sewing-shops, and thus furnished and manufactured everything that was used in the hospitals of the South. He was first stationed at Dauphin Island, at the mouth of Mobile bay, and from there removed to Okaloona, and thence to Montgomery, where he established a chemical depot and manufactured everything that was possible, having at least five hundred men employed in his various distilleries and workshops. He bought up large quantities of teas, groceries, liquors, etc., making Montgomery his depot, and when, in the early part of 1865, General Wilson was threatening that city, he removed twenty-eight car-loads of medical stores to Macon, Ga., making that his general depot, and was there overtaken by General Wilson when he raided that city. After the war he returned to Mobile, where he has since conducted an extensive practice. Dr. Anderson has passed through seven epidemics of yellow fever in Mobile, of which that of 1853 was the most extensive, when there were about one thousand deaths in a population of about twenty thousand. Dr. Anderson has always taken an active part in the proceedings of the Medical Association of the State of Alabama, of which he was the Orator in 1851 and in 1871, and several times its representative in the American Medical Association. He was among the first to assist in furthering the progress of the Public Health Act and the Act to regulate the practice of medicine in Alabama. He has been a member of the Mobile Medical Society for the past thirty years, and has twice been its President. He is a member of the American Medical Association, and, in 1854, was Chairman of its Committee on Medical Education, and prepared the report, which was published in the "Transactions." Among his contributions to medical literature may be mentioned, "A detail of experiments, by Magendie and Bernard, on living animals," written for the *American Journal of Medical Sciences*, on his return from Paris, and descriptive of a gigantic series of experiments in which hundreds of living animals were experimented on at a cost of many thousands of francs; an article on "Scarlet Fever," *New Orleans Medical Journal*; "The Use of Cod-liver Oil in Various Diseases," *New Orleans Medical Journal*; "A Biographical Sketch of the late Dr. I. C. Nott," delivered before the Medical Association of the State of Alabama; "Report on Dengue," *Transactions of Medical Association of Alabama*; "Pneumogastric Nerve," *Transactions of Medical Association of Alabama*; article on "Malaria," read before the Mobile Medical Society; and some chapters on "Clima-

tology," in Berney's Hand-Book of Alabama. Dr. Anderson is a member of the Episcopal Church, and a vestryman of Christ Church, Mobile. He was one of the School Commissioners of that city before the war, and is now one of the Medical Directors and Medical Examiner of the Alabama Gold Life Insurance Company.

As an example of Dr. Anderson's literary abilities, we make a few extracts from an oration delivered before the Alabama State Medical Association in March, 1871:

"In our own immediate profession, inventions and discoveries are daily adding to our store of knowledge, and overwhelming us with their effects. In the single branch of organic chemistry a flood of light has been thrown on the pathway of science. If the most celebrated chemist of thirty years ago could awaken suddenly from a Rip Van Winkle sleep and peruse a volume published during the past year, he would be so dazzled with the display that he would be inclined to retire to his couch, and to bury his senses once more in forgetfulness. The science of *his* day had no terms to express the compounds that are now familiar to the merest tyro of the art. So rapidly has development gone on, that new words have to be manufactured in order to convey the proper ideas, and even the great Davy himself, who was the authority for the world at large, could now learn from the youthful student facts which his imagination in its wildest mood had never dreamed of. Science is now the order of the day. Statesmanship has seen its palmiest era. Literature, so far as it could please the fancy, culminated in the generation that preceded us. The poetry of the *past* will perhaps touch and cultivate the heart of the future, quite as much as any that will be sung in our day. Painting reached the height of its glory, and a glorious eminence it was, long years before we were born. But science, though active even with our ancestors, is now showing her herculean strength and elucidating every department of human knowledge. In a discussion in the French Academy not quite a quarter of a century ago, I heard the greatest

of living surgeons say that surgery had reached its climax, and that little hope of improvement was to be expected. How false was the prophecy! Since that period a new branch has been created, and the well-directed knife has carried health and happiness into a thousand forlorn and miserable households. Alabama here comes in for her triumph, and in the person of her accomplished Sims, has carried her medical fame into every portion of civilized Europe. Montgomery saw the sun of his genius rise within her borders; now she sees it in its meridian splendor throwing its light upon the most distant nations. Be proud of him, my fellow-members from Montgomery, for he has done for suffering humanity as much as any philanthropist who ever devoted his life for the amelioration of mankind.

"It is thought by many that surgery is an *art*, and that he who manipulates well is the most skilful man. That may have been the case with the surgery of the past, but it does not apply to the surgery of our day. We not only claim it as a science, but one requiring the clearest head and the stoutest heart. Let it not be thought that the true surgeon has no sympathetic chord in his bosom to vibrate for the suffering of his patient. He is human like ourselves, and ought rather to be admired for the steady hand which can inflict pain on a fellow-being for the purpose of doing ulterior good.

"It is, perhaps, gentlemen, in physiology that more rapid strides have been made than in any other branch of our science. The firmament of medical literature is brilliant with the names of these observers. Their researches are so minute that they almost baffle human comprehension, and it takes a good mathematical scholar to follow out their calculations. I mentioned that a certain amount of labor required for food a pound of meat and a pound of bread to produce it. I wish now to explain to the audience how this calculation is made. It is known to you that the human body is constantly undergoing a change. All the particles that are in a given part of the body to-day will not be there to-morrow. Some of them are broken down, disintegrated, and escape with the breath, the per-

spiration, and other secretions. By the *breath* alone more than seven ounces of the solid substance of our bodies is daily expelled in a gaseous form. To keep the body in a state of integrity, however, new particles are replaced, and such take their origin mostly from the food that we eat. By a singular and complicated process going on in a myriad of infinitesimal workshops, the food is elaborated and changed into muscle, bone, brain, hair, and all the other ingredients that go to make up the sum total of the human form. Thus are the effacing fingers of decay continually consuming our substance, while the vital architect within is keeping pace with the loss, and adding new matter to take the place of the old. How then, it has been asked, is *personal* identity maintained if this ceaseless change is going on? An agreeable writer answers in this wise: The oxygen that departs seems to whisper its secret to the oxygen that arrives; and thus while the *non ego* shifts and changes, the *ego* remains intact. Life, then, is a *wave*, which in no two consecutive moments of its existence is composed of the same particles. But the wave passes on transporting its mysterious freight to other shores, for other and important uses. Now physiological chemistry teaches us the exact amount of the daily loss. It teaches us also the exact amount of nutriment in every species of food that we eat. If this were all, the calculation would be easily made. But it goes farther than this. It acquaints us with the amount of loss produced by the various movements of the body. The blacksmith who works at the anvil from sunrise to sunset; the pedestrian who walks one mile or ten miles, as well as the lazy drone of the tropics, who sits all day in the shade, half asleep and half awake, lose their muscular substance somewhat in proportion to the amount of exercise they take. Even the evolution of thought, whether it result in the soft sentiment of the poet, or in the philosophical induction of the scholar or the statesman, is accompanied with loss of substance, and this loss must be made up by appropriate food. Modern physiology, I say, can accurately determine what kind of food is best adapted to the various work,

and the amount that is necessary to produce. Is *all* this idle and curious speculation? By no means. The amelioration of our fellow-man is the consequence of it.

“Under humane legislation it finds its application in the work-house, in the prison, among the unfortunates of the lunatic asylum, in the damp and unwholesome mine far beneath the surface of the earth, in the various factories, where men, women and children toil from daylight to the late hours of the night, in order to keep soul and body together. To an enlightened mind it suggests the appropriate nourishment for severe intellectual labor; so that when the celebrated Agassiz told his friends that he must retire to the sea-shore to get food for his wasted brain, he was telling them but the plain and simple truth; or when the aged Humboldt, in the midst of his abstruse calculations, called frequently for dilute phosphoric acid for a beverage, he was doing only that which the daily laborer does when he asks for meat in proportion to his work. . . .

“In another field of physiological research, the discoveries have not been less vast or less important. The subtle analysis of the blood in health and in disease has been marked with the most important consequences. The same kind of analysis into the poisons of noxious vapors has revealed a host of preventives that the physicians of the past knew nothing about. The high powers of the microscope that bring within the range of our sight the minute creatures of the hidden world, are now opening an unexplored region that none but the scientific physician can ever travel in. The theories of the *past* are giving place to the facts of the *present*, and to the brightest hopes for the *future*.

“Pestilence once kept great cities at a standard population, but science, aided by wise legislation, now keeps it at bay, and though we may never eradicate it, we may still be able to keep its blight away from the community, and thus save from premature destruction the fairest and best of our race. The microscopic researches into the nervous system have lately developed certain masses of nerve substance in every por-

tion of the body, acting as distinct centres of nervous influence, and which, for a time, can keep up an independent action in any given part. This promises to be a very important discovery, inasmuch as it tends to elucidate some physiological phenomena that could not be satisfactorily accounted for. The vitality of some of the cold-blooded reptiles, even after the brain has been removed, has long puzzled the physiologists. The movements of the decapitated animal were referred entirely to the reflex action of the spinal chord, but this is hardly enough to account for the long continued persistence of vitality. It is highly probable that these *nerve masses* come in as an important factor, and they may also have much to do with those strange motions that we witness in persons recently dead of cholera, as well as other local movements during life, the cause of which has hitherto been obscure. You may ask, of what use is all this? You cannot restore the patient's life, nor can you prolong the existence of the reptile more than an hour after taking off his head. That is true enough. But having ascertained that these little nerve masses, until lately undiscovered, can generate power under appropriate stimuli, we are led to use such stimulus in the bed-room of the sick. It teaches us how to give power to the paralytic, to restore to health the functions of various parts of the body by *local* means, without subjecting the suffering invalid to continued doses of medicine.

“One of the most important developments of modern science is the well-established fact that rigid cleanliness will keep away disease. Some of the microscopic objects causing disease increase so rapidly that a thousand or a million will be generated in an hour. The very atmosphere that we breathe is full of them. The surgeon lays down his knife, and picks it up again swarming with objects that he cannot see, and transplants them in the wound he is trying to heal. The nurse often unconsciously does the same thing when not scrupulously particular with his towels and sponges. *Nature* furnishes the poison, but *science* steps in with the antidote and prevents its taking effect; and the

result of all such researches is, that the cleanest cities, the cleanest prison-houses, the cleanest hospitals, are by far the most healthy. Water, however, is not the only agent to be used. It must contain in solution certain disinfectants which were not discovered by accident, but which were only suggested after patient, laborious study, and often repeated experiments. But, gentlemen, I must close this portion of my address. All honor, however, to the great names that have distinguished themselves in this department. It gives me pain to say that some of these great men incline to materialism. Their investigations bring them so near to the point where *inorganic* matter springs, as it were, into life, that they leap over the little chasm, and embrace the doctrine that life itself is evolved from *matter*. In other words, that if they could only go a little further, they could create an animal or a vegetable of the lowest order, and then that such creation could go on to perfect itself by natural and artificial causes, until it culminated in the giant oak of the forest, the great leviathan that swims the deep, or even the majestic form of man himself. In the pride of their *really* comprehensive intellects, they dislike to acknowledge that there is anything behind the veil which they may not see. They are blinded to the finger of the great Creator from whom life in its humblest form always proceeds. They can attribute to Him every power, and yet *life*, the subtlest and most miraculous of all essences, they wish to seize from His grasp, and make it subject to the changes that take place in certain material gases, under what they call favorable circumstances. Vain and deluded philosophers! Is there not enough in the great range of nature to occupy their speculations without going to this doubtful and uncertain ground? Are they not satisfied to investigate His laws, without disputing with Him the palm of creating the first and most important of *all* of His wonderful works? Let us hope that they will waste no more time in these idle speculations which are fraught with so much danger to the noblest of all of God's creatures. Better that man's mind



should remain in utter ignorance, and grope through life like the uncultured savage, than to risk the loss of their immortal souls by attempting to scrutinize too closely the works of Nature's God. For myself, gentlemen, I am the humblest of the students of nature. What I know is as *nothing* compared with what there is yet to learn; but the more I study of it, the more do I see the Divine hand guiding, guarding, creating everything. More especially do I see it in mind—mind, which in the twinkling of an eye can compass earth and heaven; mind which can give rise to all the soft sentiments, the tender emotions, the noble and generous feelings which we know we possess. Can all these flow from matter?—matter which putrifies and perishes; which to-day assumes one shape, to-morrow another, and on whose very existence ceaseless change is written. I cannot believe that there is any chemistry subtle enough to analyze an emotion of the mind. I cannot believe that the refined and exquisite sentiments that originated in the brain of Milton, of Shakespeare, of Tennyson—sentiments that have enchained the world, and kept whole nations of intellectual men in breathless suspense on account of their beauty and sublimity—could possibly flow from matter. I am unwilling to think that the lofty conceptions of Cicero, the burning genius of Michael Angelo, the glowing effulgence that radiated from the inspired brain of Isaiah, could have their origin in perishable matter. No, rather would I humbly confess my ignorance, and leave the field unsatisfied.

“Now, if *mind* is so difficult to analyze, and presents so many barriers to a clear understanding of its phenomena—if it has baffled the metaphysics of Locke, of Hume, of Stewart, and of the brilliant host of kindred writers who have lived from Aristotle to the present day—how much *more* difficult is it to comprehend the enigma of *life*, that subtle emanation from the Supreme Being that pervades the world; that attenuated essence which spreads through ocean, air, and earth, making green the grass, vocal the forest, and joyous the innumerable creatures that sport in the sunshine, and sing their perpetual

hymn of praise in honor of their Creator. A distinguished writer, now within the sound of my voice, in a public address, which for perspicuity, for erudition, for elegance of diction, will compare with any discourse written in the present learned age, has said, ‘that an animated atom whirling through the proud heart of a Russian Czar on *Monday* morning, may be masticated in a carrot by the meanest of his vassals on *Saturday* night.’ Aye, but *who* animated the *atom*? Who gave it life and action so to whirl, and having whirled to its satisfaction, then to metamorphose itself into an infinitesimal part of a carrot or a turnip? Did *matter* give it life? Did not its animation rather come from the great First Cause, who shows His awful grandeur in the thunder and the lightning, His ample benevolence in the beauty of the green earth, now robed in all the colors of the rainbow, then hushed in darkness and in silence, only to burst forth once more into all the splendors of returning day? No, I say, I would leave the mystery to be solved in some higher state of existence that I may hereafter enjoy, and in the midst of my perplexity exclaim with the poet:

“‘Thou great First Cause least understood,  
Who all my sense confined;  
To know but this, that Thou art good,  
And I myself am *blind*.’

“I have regretted that some of our great authors are becoming materialists. Writers outside of the profession reproach us with materialism. A very eminent French divine complained a year or two ago that materialism was taught in Paris with the sanction of the Minister of Public Instruction. He says it is triumphant in the Medical School of Paris. I do not wonder that any doctrine, no matter *how monstrous*, should be taught in France, but I am sorry to see public lecturers following in their footsteps in England, and even in our own country. The *principle* of life neither comes from matter nor goes to matter. When its earthly tenement, either by disease or decay, becomes too imperfect to contain it, the flame may flicker, and the spark go out to our eyes, but it still exists as it has

done throughout the eternity of the past, and as it will do through all the endless ages of the future. The thought is beautifully expressed by Tennyson in the following lines :

“ My own dim life should teach me this,  
That life shall live forever more,  
That nothing walks with aimless feet,  
That not *one life* shall be destroyed  
And cast as rubbish on the void,  
When God has made the pile complete.’

“ Where, gentlemen, will all this end? Does it not inevitably lead to materialism of the grossest character? Does it not root out the very foundations of religion? Does it not put a seal on the wistful eyes of faith, and lead us eventually to worship at the shrine of reason? Give to these philosophers what they claim. Believe with them that life is the offspring of matter; what then will they ask? They will say: If life comes from matter, and mind is the direct offspring of matter, then why not the soul, the ‘so-called’ immortal soul? Let us grasp that, too, and we will have absorbed all things, both physical and material, made them all the offspring of these miraculous gases, and thus become entirely independent of the ‘unknown God!’ And then, my fellow-members—what then? Why, thus, insensibly, they will lead us from the altar of our worship. They will turn our temples, now dedicated to the great Jehovah, into schools of human philosophy. They will erect statues to the goddess of Reason, and, like the heathen in his blindness, we too will bow down to wood and stone. They will burn incense to other gods than the one whom we are taught to adore. Then will have vanished from our hearts and our hearth-stones all that makes life cherished and dear to us. Then will that beautiful code of deep-toned morality, that sweet system of unfeigned piety, the holy religion of our Saviour, be torn from our present lively faith, and we shall be plunged into a chaos of unbelief, which will leave us nothing but misery and despair. These materialistic philosophers, as a general rule, deny that they are materialists, but say that they are compelled

to use such terms and words as are generally applied to *matter*, in order to make their speculations understood by others. To this we have no objection, but we contend that after borrowing these words, they still have *proved* nothing. After all of their elaborate and seductive arguments, they cannot explain to us what life is, nor can they ever make us understand the nature of a vital process. It is all speculation. They say, give us a few simple combinations of oxygen, hydrogen, nitrogen and carbon, and under *favorable circumstances*, an animal is formed. Now the *favorable* circumstances, to use a common expression, is just where the Almighty comes in and says, ‘Let there be life,’ just as He did at the dawn of creation, when His sublime fiat went forth in the words, ‘Let there be light, and the light *was*.’ ”

Dr. Anderson is a gentleman of fine literary taste. His father was a highly cultivated scholar and a teacher of much distinction in his day. From him the Doctor received a better training in languages than falls to the lot of most men, and also imbibed a decided taste for the belles lettres. He stands among the foremost in the profession in Mobile, and is a universal favorite with his professional brethren. He is an active member of the Board of Health, and a regular attendant at the meetings of the State Medical Association.

Having occupied the chair of Physiology in the Medical College of Alabama since its foundation, his lectures have been finished specimens of erudition and good taste. As Dean of the Faculty of the Medical College, his addresses at the various commencements have been elegant in character and chaste in tone. He is an accomplished orator, eloquent and powerful, with graceful delivery, carrying the sympathies of his audience with him, and at an impromptu address is unequalled. His practice is chiefly among the élite of Mobile, among whom he is a general favorite. His active professional life has not allowed him much leisure for other pursuits, but his orations and addresses and various contributions to the literature of his profession bear evidence of a refined and cultivated mind,

and some occasional poetical pieces which have appeared at various times are polished specimens of graceful verse. When among his intimate friends at social gatherings, he is unusually happy in hitting off some impromptu which has sufficient good-humored satire to make it piquant, and he bears the reputation of being the Oliver Wendell Holmes of Alabama.

Unambitious and averse to notoriety, he is deeply imbued with a strong sense of duty, and his high moral character bears the impress of a fervent Christian spirit. Thoroughly domestic in his habits and tastes, and of a social and amiable disposition, he possesses the high regard and warm affection of a large circle of friends.

Dr. Anderson was married in 1851 to Ann Louisa Witherspoon, daughter of the late Dr. John R. Witherspoon, of South Carolina, and has one grown-up daughter.

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### COLONEL J. B. WALTON.

#### LOUISIANA.

**J**AMES BURDGE WALTON was born, November 30th, 1813, at Newark, N. J., and is the son of Mark Walton, merchant, of that city. The Waltons are of English descent, two brothers of that name having come to this country from the Isle of Jersey about the middle of the seventeenth century; John Walton took up his residence in one of the Northern States, and was afterwards lost at sea, while Joseph Walton settled in Georgia. From the latter Mark Walton was descended; he was educated and married in Newark, and in 1809 removed to New Orleans, La.; and in the war of 1812 distinguished himself in the cavalry service. William Burdge, the maternal grandfather of the subject of this sketch, was a man of wealth and leisure in Newark, N. J.

James B. Walton received his primary education at an academy in New Orleans, and afterwards entered the Louisiana College, whence he graduated in 1831. After leaving college he established himself in the wholesale commission

and grocery business in New Orleans, under the firm of Walton & Kemp, and during the existence of that firm conducted the largest business of that kind in the "Crescent City." At eighteen years of age he volunteered into the Washington Guards, then the crack military company of New Orleans, under the command of General Persifer F. Smith, a distinguished soldier, afterwards the hero of Contreras in the Mexican war. In 1846, prior to the Mexican war, the Washington regiment was formed; it was more properly speaking a legion, as it included infantry, cavalry and artillery. It was commanded by General P. F. Smith, and J. B. Walton was, first, Adjutant, and afterwards Lieutenant-Colonel. Under a requisition upon the State of Louisiana for a brigade of four regiments of infantry for service in Mexico, General Smith's Washington regiment volunteered, and was the first volunteer regiment in the field. General P. F. Smith having been promoted to General of Brigade, Lieutenant-Colonel Walton became its Colonel. They arrived on the Rio Grande immediately after the battles of Palo Alto and Resaca de la Palma, and served under General Z. Taylor until the expiration of the term of the twelve-months volunteers. The regiment then returned to New Orleans, and was mustered out of service by Colonel Walton, who then returned to Mexico and joined General P. F. Smith on the Vera Cruz line. He received an appointment on General Smith's staff, and with him followed along in the rear of the army in its advance on Mexico; was present at the battle of Molino del Rey; and at the City of Mexico on the day of its surrender. He remained in Mexico with the army, and was present at the signing of the treaty of peace at Guadalupe Hidalgo. The war over, he returned to New Orleans and resumed the commission business. During President Fillmore's administration he was Deputy Surveyor of the port of New Orleans. In 1852 he held the position of Secretary to the State Constitutional Convention which framed the Louisiana constitution of that year. In the same year he was appointed Secretary to the Mayor of New Orleans, Charles M. Waterman.

In 1859 he retired from the commission business and established himself as a real-estate agent, with which avocation he has been identified ever since. The Washington Artillery, which had formed a company of the celebrated Washington regiment during the Mexican war, kept up its organization afterwards under various commanders, but had dwindled down to a very small number when, in 1852, Colonel Walton was elected its Captain. It then, through the prestige of Colonel Walton as an efficient officer, rapidly increased in numbers, and improved in drill and discipline, so that at the outbreak of the civil war it was fit for efficient service. It was first called into active duty under the authority of the State of Louisiana, and sent, with companies of the Orleans Cadets, the Louisiana Guards, the Crescent Rifles, the Chasseurs-a-pieds, and the Sarsfield Guards (271 rank and file), all under the command of Captain J. B. Walton, to take possession of the United States military post at Baton Rouge, one of the largest Federal military and ordnance posts on this continent. The United States arsenal was surrendered by Major Haskins, in command of about eighty United States soldiers, with all the ordnance and stores, January 12th, 1861. Formal possession was taken by the New Orleans and Baton Rouge troops on the following day, with bands playing and colors flying, during the firing of a salute of fifteen guns. This, the first serious act of hostility to Federal authority, aroused the whole country to the consideration of the grave situation in which the Southern people found themselves placed. On the 9th of February the command was organized as a battalion of two companies, and Captain Walton elected Major. On the 22d of February, on the occasion of the presentation of a magnificent flag to the Washington Artillery by the ladies of New Orleans, Senator J. P. Benjamin, in his presentation address, startled his hearers by his bold, emphatic and eloquent announcement that war was inevitable, warning all to go home and prepare for the grand ordeal the end of which no man could know. The officers and men were then constantly drilled, and instructed

as artillery and infantry, and the battalion, increased to four companies, was mustered into the Confederate service, May 26th, 1861, in all 285 rank and file. Captain Walton on this day received his commission as Major of Artillery in the Confederate States Army. The citizens, the ladies especially, lavishly supplied the men with necessaries and luxuries, money in large sums being contributed freely. The battalion was splendidly equipped and supplied, in a manner perhaps unequalled by any command from the South.

On May 27th they left for Lynchburg, Va., *en route* for the seat of war, and the enthusiasm of their fellow-citizens was unexampled in the history of New Orleans. On the line of march the streets were crowded to suffocation, the balconies filled with ladies who showered flowers upon the troops; all distinctions were forgotten in the eager desire of all to show their admiration and do honor to the soldiers going to the war. Citizens walked along the lines offering their pocket-books to men they did not know, fair women bestowed floral offerings on all alike; and, amid the suffocating heat, loaded down with their heavy clothing, pressed upon by a dense crowd that almost impeded their progress, the Washington Artillery left New Orleans, amid the booming of cannon, the music of the bands, and the deafening huzzas of an immense multitude. Such was the excitement, the heat, and fatigue of the march to the railroad depot that two of the privates were struck down and expired upon the cars when but a few miles distant from the city. On leaving New Orleans for the front, the armament of the battalion consisted of four six-pounder bronze smooth bore guns, and four twelve-pounder bronze howitzers; two companies being armed with Springfield muskets. At Richmond the muskets were turned in to the Ordnance Department, and four rifled guns, two bronze twelve-pounders, and two twenty-four-pounder iron howitzers being added, the armament was increased to sixteen field-guns with all the appliances of forges, battery-wagons, harness, and horses complete. On the 2d of June they arrived at Lynchburg, Va., and

reached Richmond June 4th, where for three weeks they were subjected to strict discipline and constant drilling in camp. They received their baptism of fire on the banks of Bull Run in the battle of July 18th, where General McDowell with 55,000 infantry, nine regiments of cavalry, and 49 pieces of artillery attacked General Beauregard with 21,883 muskets, about three companies of cavalry, and 29 pieces of artillery. The affair resolved itself into an artillery duel in which a part of the Washington Artillery, with only seven guns, successfully maintained its position against a long-trained professional opponent, superior in character as well as in the number of his weapons, provided with improved munitions and every artillery appliance, and, at the same time, occupying the commanding position. General Beauregard, in his report, says: "The skill, the conduct, and the soldierly qualities of the Washington Artillery were all that could be desired. The officers and men won for their battalion a distinction which I feel assured will never be tarnished." It would be impossible in the space at our command to relate in detail the history of this battalion during the four eventful years of the war—its history has become a part of the history of that memorable and heroic struggle. The main body served in most of the glorious campaigns of the Army of Northern Virginia under General Lee, and distinguished itself upon many a well-fought field. In the first battle of Manassas they were heavily engaged, and contributed largely to the total rout of McDowell's magnificently appointed army. After this decisive battle Major Walton was recommended by Generals Johnston and Beauregard for promotion to the rank of Colonel of Artillery. No such grade being possible at that time in the artillery—Major being the highest rank in that branch of the service—a law was passed through the Confederate Congress to meet the case, and, on receiving his commission, March 26th, 1862, Colonel Walton was at once appointed by General Beauregard Chief of Artillery of the Army of the Potomac, remaining, however, in command of the Washington Artillery. In the fall of 1861 several skirmishes took place at Munson's Hill, Hall's Hill, and Lewinsville, in which the companies of the Washington Artillery engaged were uniformly successful, and, about the middle of December, they went into camp on the north side of Bull Run, the position occupied by the Federals on the 18th of July. Trees were felled, and buildings and stables erected by young men entirely unaccustomed and unskilled in such work, and, in a short time, a little town was laid out with warm and comfortable quarters for the men, and stabling for three hundred horses. The camp was christened "Waltonville" in compliment to the commanding officer. In March, 1862, General J. E. Johnston, being assigned to the command of the Army of Northern Virginia, resolved to abandon his position at Manassas and occupy the line of the Rappahannock in order to oppose General McClellan. The heavy guns in the works at Centreville, on Bull Run, and on the Potomac, were all removed, and their places adroitly supplied with blackened logs, known as Quakers, covered with brushwood at their butts, giving the appearance of guns from a distance. On the 8th of March the Washington Artillery abandoned their camp and marched to Richmond, where they were detained for want of transportation; on the 23d of April reached Williamsburg, and, on the 25th, Yorktown, where they served in the trenches knee-deep in mud and water with certain death staring them in the face if they but showed their heads above the works. General Johnston, finding his position untenable, fell back on Richmond, where the Washington Artillery arrived May 8th, having marched the last twenty-three miles in the unprecedentedly short time of six hours fifteen minutes. On the 13th of May a battery was engaged with the enemy's gunboats at Drury's Bluff, disabling their flagship "Galena." At the battle of Seven Pines the battalion captured a battery of Napoleon guns, which they were allowed to keep in exchange for some of their own. On the 3d of June General Robert E. Lee assumed command of the Army of Northern Virginia. On June 20th Colonel J. B. Walton

was appointed Chief of Artillery of the right wing of the Army of Northern Virginia, retaining the command of his battalion. The battalion was hotly engaged at the battle of Mechanicsville, and present at the battles of Cold Harbor, Savage Station, Frazier's Farm and Malvern Hill, though, much to their chagrin, they were generally held in reserve. The siege of Richmond being raised and the campaign ended, all the artillery of the right wing under Colonel Walton, as Chief of Artillery, was encamped on Almond Creek, two miles from Richmond, where they enjoyed a rest of a couple of weeks. Upon the reorganization of the army, General Longstreet was appointed to the command of the First Corps of the army, and Colonel Walton was appointed by the General Chief of Artillery of the First Corps. On the 10th of August the battalion began its march towards Gordonsville, whither the entire army was being transferred. In the evening of the 23d of August, prior to the battle of Rappahannock Station, Colonel Walton made a reconnaissance of the enemy's force, under General Pope, and found him strongly entrenched behind works on the opposite bank of the Rappahannock. In the night he silently placed in position the different batteries, and at six A. M. opened fire along the line. General Lee, in his official report of this battle, says: "On the 23d of August General Longstreet directed Colonel Walton, with the Washington Artillery and other batteries of his command, to drive back a force of the enemy that had crossed to the south side of the Rappahannock. Fire was opened about sunrise, and continued with great vigor for several hours, the enemy being compelled to withdraw with loss." General Longstreet's report says: "The enemy's position was soon rendered too warm for him, and he took advantage of a heavy rain-storm to retreat in haste, after firing the bridge and the private dwellings in its vicinity. Colonel Walton deserves much credit for skill in the management of his batteries." The loss in men killed and wounded, and in horses, in this battle was unusually large. On the 29th of August, at the second battle of

Manassas, they arrived on the field at 11.30 A. M. to find General Jackson heavily engaged, and took position on his right. In forming his line of battle, General Longstreet ordered Colonel Walton to place his batteries in a commanding position between his line and that of General Jackson. The accuracy and rapidity of their fire elicited the highest encomiums from all the officers, and General Jackson, who was intently observing the firing, said: "General Longstreet, your artillery is superior to mine," a merited compliment from "old Stonewall" to the Washington Artillery. In front of the batteries the field was covered with dead and wounded of the enemy. At 3.30 P. M., having silenced his artillery and broken up the advancing line of infantry, the batteries were withdrawn to repair damages and fill the ammunition chests, which were nearly empty. On the following day (August 30th) they captured a battery of light 12-pounder Napoleons, with horses and harness. The enemy were driven back into the woods. General Longstreet, in his official report of this battle, says: "The Washington Artillery was placed between Jackson and my line, and engaged the enemy for several hours in a severe and successful artillery duel."

At Sharpsburg the third company of the battalion was nearly disabled, only two of the four guns being fully manned; the sharpshooters of the enemy were picking off the men of the batteries and killing and wounding the horses. Cooke, in his "Life of Stonewall Jackson," says: "As Miller's Battery (Washington Artillery) occupied a position directly under the eye of General Longstreet, and he saw the valuable part it was performing in defending the centre, that officer dismounted from his horse, and, assisted by his Adjutant-General, Major Sorrel, Major Fairfax and General Dayton, worked one of the guns until the crisis was passed." General Lee, in his official report, says: "The firm front presented by this small force, and the well-directed fire of the artillery under Captain Miller, of the Washington Artillery, and Captain Boyce's South Carolina Battery, checked the progress of the enemy, and in about an hour

and a half he retired. Another attack was made soon afterwards, a little further to the right, but was repulsed by Miller's guns, which continued to hold the field. . . . Our artillery, though much inferior to that of the enemy in the number of guns and weight of metal, rendered most gallant and efficient service throughout, and contributed greatly to repulse the attacks on every part of the field." General Toombs, in his report of this battle, pays a well-merited tribute to the second company of the Washington Artillery, which was attached to his brigade. He says: "The company of the Washington Artillery attached to my own brigade were conspicuous throughout the day for courage and good conduct, and largely contributed to every success. During the whole connection of this battery with my command its officers and men have conducted themselves everywhere—on the march, in the camp, and on the battle-field—as to merit and receive my special approbation." General Longstreet, in his report, says: "After the enemy had been driven back to the creek, forming two lines, one supporting the other, the batteries were placed in position to play upon the second line, and both lines were eventually driven back. Before it was entirely dark the hundred thousand men that had been threatening our destruction for twelve hours had melted away into a few stragglers." At the battles of the Rappahannock, Second Manassas, Boonesboro' Gap and Sharpsburg, the Washington Artillery lost in the ten days' fighting occupied by those battles ninety-eight men killed and wounded. General Longstreet, in his official report for the summer campaign of 1862, says: "I would I could do justice to all of those gallant officers and men in this report. As this is impossible, I shall only mention those most prominently distinguished," and in the list that follows we find "Colonel Walton, of the Washington Artillery, at Rappahannock Station, Manassas Plains (August 29) and Sharpsburg." Recrossing the Potomac, we next hear of this gallant battalion at the battle of Fredericksburg, where they occupied the redoubts on the crest of Marge's Hill. The enemy, as early as seven

o'clock in the morning of December 11th, opened a tremendous fire from his batteries upon the town and upon Marge's Hill, and continued it during the entire day, without any response from the guns of the battalion, Colonel Walton having been cautioned by an order early in the day not to enter into an artillery duel, but to fire with effect at the infantry and pontoons. On the 12th of December the Federal forces crossed the Rappahannock, and the batteries opened a well-directed destructive fire upon them whenever they emerged from under cover of the bank of the river. On the 13th of December the Federals attempted repeatedly to carry the heights where the batteries were situated, but were as often driven back with terrible slaughter. Five separate times heavy masses of infantry, supported by light field batteries, advanced from the cover of the town, only to be driven back each time by the steady and incessant fire of the guns on Marge's Heights and the infantry behind the stone wall in the road below. At one time during the afternoon there was some apprehension that General Anderson, who was holding the left of the line of heights, would be forced back, and General Longstreet, in order to reassure Colonel Walton as to his supports, sent him the following note:

"HEAD-QUARTERS FIRST ARMY CORPS, IN THE FIELD,  
December 13th, 1862.

"COLONEL WALTON: Do not be uneasy about your left. General Anderson has been ordered to hold the heights on the left with his whole force if necessary.

"Your obedient servant,

"G. M. SORREL, A. A. G.

"P. S.—We have been observing your practice; it is very pretty, and we congratulate you upon it."

In recognition of the splendid service rendered by the Battalion Washington Artillery in the sanguinary battle of Fredericksburg, the following extracts from official reports are made. General Lee, in his report to the Secretary of War, written on the field, says: "Soon after the enemy's repulse on our right, he commenced

a series of attacks on our left, with a view of obtaining possession of the heights, immediately overlooking the town. Three repeated attacks were repulsed in gallant style by the Washington Artillery, under Colonel Walton, and a portion of McLaw's division." General Longstreet, in his general order, after the battle, says: "Yet notwithstanding I know them to be steadfast veterans, they have kindled a new admiration by the remarkable firmness with which they defended Marge's Hill. A more frightful attack of the enemy has not been seen during the war; they approached within thirty paces of your lines, again and again returning with fresh men to the assault. But you did not yield a step; you stood by your post and filled the field with slain." General Ransom, who supported with his division the batteries in the redoubts, takes occasion to say: "Though no part of my command, I will not pass over the already famous Washington Artillery. Its gallantry and efficiency are above all praise." General Lee, in his official report, says: "They sustained the heavy fire of artillery and infantry with unshaken steadiness, and contributed much to the repulse of the enemy." And again General Longstreet, in his official report, says: "Their fire was very destructive and demoralizing in its effects, and frequently made gaps in the enemy's ranks that could be seen at a distance of a mile." Among the names "particularly distinguished in the engagement of the 13th of December," by General Longstreet, we again find "Colonel Walton, of the Washington Artillery," who had been absent on sick leave previous to the battle, but, though still sick, returned to his command two days before the first gun was fired. At the end of December the battalion was ordered into winter-quarters at Chesterfield, Caroline county, Va., where they erected comfortable houses, and did their best to pass pleasantly the dull months until spring. The following letter, showing what was needed to place the battalion in a condition for service, was at this time addressed by Colonel Walton, through General Longstreet, to the War Department:

"HEAD-QUARTERS BATTALION WASHINGTON ARTILLERY,  
"NEAR FREDERICKSBURG, December 28th, 1862.

"MAJOR G. M. SORREL, *Assistant-Adjutant General*: With the view to a complete reorganization of the Battalion Washington Artillery, I take the liberty to submit for the approval of the General commanding the following statements and suggestions: This battalion was mustered into the service of the Confederate States in May, 1861, for the term of the war, and it has served constantly in the field since that date. By casualties in battle and small loss by disease, by discharges and transfers, the rank and file for duty to-day numbers only 228 men—58 being absent, sick and wounded, and 16 absent, missing, or without leave. The armament consisted, on leaving Richmond, in August last, of batteries of four guns to a company, four companies, making sixteen guns; to-day, in consequence of damages in action and the loss of men, the batteries of the first and third companies—Squires and Miller—have been reduced to a section of two guns each, Squires two 3-inch rifles, and Miller two 12-pounder Napoleons. Captains Eshleman and Richardson have each two 12-pounder Napoleons and two 12-pounder howitzers. I propose now, with reference to the future continued efficiency of the battalion, to recruit the several companies to at least 125 men rank and file each, and to make the batteries all six-gun batteries of rifles and Napoleons—say one battery of 3-inch rifles and three batteries of 12-pounder light Napoleons—my experience approving this composition as being the best for all service. To accomplish the first most important object, the recruiting my ranks, it will become necessary to draw from within the enemy's lines in Louisiana those young men of the class of which this battalion is composed, who, although loyal to the South and patriotic, are unwilling to subject themselves to conscription as that authority is now exercised in Louisiana. I am advised on all hands that if the proper means are used, there can be drawn from New Orleans and the adjacent parishes a very large number of young men who are willing and even desirous to enter the service, they



only asking that they may make their selection of the corps to which they will be attached. This subject has been presented to the consideration of the Secretary of War, who approves the object, and who, I am assured, will give me the necessary authority to recruit in the manner suggested, from within the enemy's lines and elsewhere in Louisiana. . . . I will require between two hundred and two hundred and fifty men to accomplish my plan; with this addition of men and the change of armament as proposed, I am prepared to say the Washington Artillery in the spring will equal in efficiency any troops of our own army or that of the enemy.

"I have the honor to be, very respectfully,  
"J. B. WALTON, Colonel."

General Longstreet endorsed upon this letter, as follows:

"HEAD-QUARTERS FIRST ARMY CORPS,  
"December 28th, 1862.

"There is no finer command in the service than the Washington Artillery, and I think that every effort should be made to recruit its ranks. I approve the suggestion of Colonel Walton and recommend the detail as soon as possible.

"J. LONGSTREET,  
"Lieutenant-General Commanding."

This proposition being approved by the government, Colonel Walton and five officers proceeded to Mobile, and having succeeded in their mission, returned in two months to their head-quarters. The spring campaign opened with the battle of Chancellorsville. The Washington Artillery were stationed in their old position on Marge's Heights, supported by about fifteen hundred infantry, to hold in check twenty-two thousand Federal troops under General Sedgwick. Colonel Walton protested against placing his guns in a line near three miles in length in front of the position, asserting that the loss of the guns was inevitable—they could not be served against the overwhelming odds of Sedgwick. General Early was determined, however, and as a consequence, in spite of a des-

perate and determined hand-to-hand fight with overpowering numbers, two guns with three officers and about thirty men were captured. Marge's Hill was afterwards retaken and the redoubts again occupied by the remainder of the Washington Artillery. General Humphreys, in his "Recollections of Fredericksburg," says: "The whole story of the 3d May, 1863, at Marge's Hill was fully told, though not amiably or piously expressed, by a noble son of Louisiana who gallantly stood by his gun on the hill until the last hope of holding it had vanished. Passing to the rear by some artillerists belonging to General Pendleton's train of 'Reserve Artillery,' with his face covered with sweat and blackened with powder, his heart saddened by defeat, he was jeered at and asked, ironically, 'Where are your guns?' He replied with just irritation—'Guns be damned: I reckon now the people of the Southern Confederacy are satisfied that Barksdale's brigade and the Washington Artillery can't whip the whole damned Yankee army.'"—In the latter end of June the battalion crossed the Potomac, and on July 2d arrived with Longstreet on the battle-field of Gettysburg, and at daylight on the 3d were engaged in an artillery duel with the enemy's guns. About two hundred guns were in position facing the Federal entrenched position, all under the command of Colonel Walton, chief of artillery. Being sent for by General Longstreet, Colonel Walton attended the consultation of the general officers, and the plan of battle was determined upon. At a given signal to be arranged by Colonel Walton, all the guns on the Confederate line were to open simultaneously on the enemy's batteries in front of their position. The signal, two guns in quick succession, by the Washington Artillery in the centre, were fired at 1.40 P. M., immediately upon receipt of the following order:

"HEAD-QUARTERS, ON THE FIELD,  
"July 3d, 1863. 1.30 P. M.

"COLONEL WALTON: Let the batteries open; order great care and precision in firing. If the batteries at the Peach orchard cannot be used

against the point we intend attacking, let them open on the enemy on the Rocky Hill.

“Most respectfully,

“J. LONGSTREET,

“Lieutenant-General Commanding.”

Then began one of the grandest cannonades ever heard in any battle, nearly five hundred guns being in action on both sides on all parts of the field at one time. The firing continued about thirty minutes, when the guns of the enemy scarcely returned shot for shot, and then all ceased firing. General Hancock said of this cannonade: “Their artillery (Confederate) fire was the most terrific cannonade I ever witnessed and the most prolonged. It was a most terrific and appalling cannonade—one possibly hardly ever paralleled.” Pickett’s Virginia brigade then advanced to the charge, being received by a tremendous fire of artillery and infantry, and losing heavily as he advances. He entered the enemy’s works, but just at the moment of triumph the troops supporting him on the left staggered under a flank-fire and retreated in confusion. Pickett was forced to fall back, which he did without confusion or panic. The loss to the Federal artillery and to the infantry massed behind their works, by the Confederate guns, is reported to have been greater than in any engagement of the war. At one A. M. on the morning of the 4th July, Colonel Walton received an order from General Longstreet “to hold the artillery in readiness to resist an attack by daylight, and to remember that we have no shot to spare except for the enemy’s infantry.” At nine P. M. of that eventful day the troops were ordered to be withdrawn, and the Washington Artillery were ordered to escort the train of wounded men to Williamsport, on the Potomac, in advance of the army. The rain was pouring down in torrents and the roads became almost impassable. On 6th July the army trains and wounded reached Williamsport and bivouacked, as the Potomac was too high to ford. A large force of Federal cavalry charged down upon the trains, but the Washington Artillery, assisted by the teamsters and quartermasters’

men, drove them off with loss, and thus the trains of Lee’s whole army were saved. On the 14th pontoons were completed and the army crossed the Potomac without loss. The winter of 1863–64 was passed by the Washington Artillery at Petersburg, Va., and here our record of their brilliant services must end. In June, 1864, Colonel Walton was assigned by the Secretary of War to duty as Inspector-General of Field Artillery of the Confederate States, and in execution of his duty visited the whole of the different commands throughout the Confederacy. On his presenting his report on his return, the officers in the War Department paid him the high compliment of saying that there never had been so exact and accurate a report made before. He was then appointed to the command of the artillery in the defence of Petersburg, and while in command there the appointment of Chief of Artillery in the First Corps, his old position, was made to a favorite of the administration, and feeling that his just promotion was denied him, he resigned his commission, July 18th, 1864. He had been twice recommended by Generals Beauregard and Longstreet for promotion to the rank of Brigadier-General of Artillery, but his promotion had been as often refused for the reason that the President would appoint to the highest grade in the artillery arm only such as had the advantage of a “scientific military education,” by which was meant a graduate of West Point.

Immediately after his resignation he was sent for by the Secretary of the Treasury (Mr. Trenholm) to undertake the delicate mission of negotiating, through a flag of truce, with the agents of the United States treasury for the purpose of transferring a large amount of cotton then at Augusta and Savannah to the Federal authorities, with the view of realizing upon it. Furnished with abundant means by the Confederate treasury he proceeded to Augusta to conclude the necessary negotiations, and while in communication with the Federal authorities under a flag of truce, news of the surrender of General Lee was received, and in a few days afterwards a column of Federal troops took

possession of Augusta and of all the cotton that it had been proposed to convey across the line.

After the surrender Colonel Walton returned to New Orleans, where he resumed business as a real-estate agent, to which occupation he has since devoted his attention exclusively. During the whole agitation of the question of secession Colonel Walton was strongly opposed to it, but when Louisiana withdrew from the Union, occupying as he did the position of commander of one of the finest military organizations in the Southern States, he considered it to be his duty to stand firmly by his State. He has always identified himself somewhat prominently with public affairs, and has taken part in every movement tending to the advancement and prosperity of his section and the best interests of his fellow-citizens.

Colonel Walton's connection with the Washington Artillery terminated on his resignation from the Confederate service in June, 1864, but he was always held in grateful remembrance by his old comrades-in-arms, and when, in 1877, the battalion was reorganized, he was elected its Colonel. After the completion of all the details of reorganization, however, he retired, feeling that he was unable to give that attention that the duties of the position demanded, and he was then elected its honorary Colonel for life.

On the 9th November, 1879, he was unanimously elected President of the Association of the Veterans of the Mexican War, of which organization he had formerly been the Vice-President. At present it consists of one hundred and twenty members, which is all that are left of the seven hundred and sixty gallant fellows that followed the veteran Colonel to Mexico.

He holds an influential position among the brethren of the mystic tie, and has attained to the thirty-second degree in Masonry. He was married, February, 1836, to Amelia, daughter of Robert Slack, a wealthy merchant of New Orleans, and has seven children living, two of his sons being engaged in mercantile pursuits in the Crescent City.

HON. W. D. PORTER.

SOUTH CAROLINA.

**W**ILLIAM DENISON PORTER was born in Charleston, S. C., on the 24th of November, 1810. He is the son of William L. Porter, a merchant of that city. The family is of English descent, but came to South Carolina originally from Massachusetts. One of the family was that "Asahel Porter of Woburn," whose name is inscribed on the Lexington Monument, and who was one of the first eight martyrs in the first conflict for American independence.

The early education of Mr. Porter was acquired in Charleston at the classical academy of Christopher Cotes, a gentleman of high reputation in his day, from whose school he went to the College of Charleston, whence he graduated in 1829, with the second honor of his class. Among his classmates at school and college was Major Ashby, of the United States army, who afterwards distinguished himself in the Seminole war. After graduation, he taught school and studied law simultaneously, the latter under the distinguished jurist, J. L. Pettigru, from whose office he was admitted to the Bar in 1833, while still engaged in tuition. He acquired a successful practice, and entered public life in 1840, being then elected a member of the House of Representatives for Charleston, which position he held till 1848, when he was elected to the Senate. In 1844 he became Attorney to the Municipal Corporation of Charleston, retaining that office for nearly a quarter of a century, and only resigning it in 1868, upon the election of a Republican administration. His politics have always been of the States Rights school of the Democracy, holding the right of secession, but maintaining that it was a right to be exercised only in case of extreme necessity. In 1850 he opposed on grounds of expediency the action of the party which urged the separate secession of the State at that time, and at the election for a Southern Congress (which was the proposed mode of determining the action of the State), he defeated his opponent by a large majority. In

1853 he was one of the Presidential electors for Franklin Pierce. In 1857 he was elected President of the State Senate, and retained that office until the United States military commander, General Sickles, dissolved the General Assembly in 1868, and officially decapitated its officers. Mr. Porter served his native State, in the House and Senate continuously, for twenty-six years, and has the proud satisfaction of never having been defeated in a popular election. During his legislative career, among the subjects which most engaged his attention and called forth his efforts, were the abolition of imprisonment for debt, the building of the Blue Ridge Railroad as the means of opening direct communication between the seaboard and the West, and making Charleston the terminus of a great line of travel and transportation, the defence of the Bank of the State as the best fiscal agent for the State, and the election of electors for President and Vice-President by the people, instead of retaining it in the hands of the Legislature. In matters of national politics, having implicit faith in the sagacity, patriotism and prophetic forecast of Mr. John C. Calhoun, he willingly acquiesced in the wonderful and life-long ascendancy which that great genius of the Southern statesman maintained over the popular mind of South Carolina. In 1869, at the request of the "Association of 1860," of which he was President, he wrote a political pamphlet on the doctrine of "Coercion," in reply to a speech by Stephen A. Douglas, at Norfolk, Va., which was printed in large numbers, and had a very extensive circulation throughout the Southern States. It asserted the doctrine of the sovereignty of the State and the right of secession; contended that the avowed opinions of Mr. Lincoln would inevitably inaugurate a war of sections, and urged strenuously that, in the event of his election, a due regard for her honor, peace, safety and existence, made it the imperative duty of South Carolina to withdraw from the Federal Union and take her destinies into her own hands. The election of Mr. Lincoln upon a purely geographic line between the North and the South, determined the action of South Carolina, and united

her public men in support of that action almost without exception.

Mr. Porter being President of the Senate, was not a member of the Secession Convention, for the two bodies were to sit and did sit simultaneously, but in a speech at Institute Hall, on the adjournment of the Legislature, he urged in earnest and impassioned language that the action of the Convention should be prompt and decisive, expressing the hope that its action, like that of the Legislature, would be entirely unanimous, which it proved to be. If ever an honest, sincere, intense and universal conviction pervaded the minds of a people, that their honor, their safety, nay, their existence, political and social, depended upon their action, such a conviction at that time possessed and guided the minds of the people of South Carolina.

The results of the war prostrated the fortunes of Mr. Porter, but he went to work cheerfully to rebuild his shattered hearth-stones and household gods. Immediately after the war and before the enactment of the reconstruction measures of Congress, South Carolina, under the Provisional Government, adopted a new Constitution, which gave for the first time the election of Governor and Lieutenant-Governor to the people, and at the first election Mr. Porter was elected Lieutenant-Governor on the ticket with the Hon. James L. Orr as Governor, thus making him *ex officio* President of the State Senate. In 1866 he made, before Judge Bryan, United States District Judge, on behalf of himself and his brethren of the Bar, an elaborate argument against the constitutionality of the Lawyers' Test Oath as prescribed by Congress after the war. The following brief appeal to the Judge at the close of the argument will give some idea of his style:

"If the Constitution have survived the war, we are entitled to the benefit of its protection; if it have not, of course we go down in the common calamity—a calamity which exceeds all power of comprehension. The judges are the ministers of the law and the appointed guardians of constitutional right. Our hope is in them. The trust and the power is with them

to defend the rights of a brave but stricken people. It is better and holier to lift up the fallen and heal the stricken than to hold up the hands of prosperous power. But it is a better and holier thing still to uphold what one believes to be *the right*, careless of consequences, and to leave the vindication of his motives and fame with a brave and hopeful trust to the wise and good that shall come after him. The names around which have gathered in largest measure the love and gratitude of succeeding generations are those that have maintained the cause of the weak against the strong, that have refused to cower beneath the frowns of power, and that have looked for their reward beyond the transitory applause of the present, to the well-considered and unchanging praise of the men and the centuries that are in the womb of the future. Such names have a freshness that will not die."

In 1872 he was President of the South Carolina Democratic Convention, and Chairman of the delegation to the National Democratic Convention held at Baltimore, which nominated Horace Greeley for President of the United States. Prior to the convention he published a letter stating the grounds on which he recommended the Democratic party to forbear party nominations and sustain Horace Greeley on grounds of public policy.

In April, 1873, ex-Governor Seymour, of New York, and William Cullen Bryant, the poet, visited Charleston together. They were elegantly entertained by Colonel Richard Lathers at his beautiful and spacious mansion on South Bay. In the course of the entertainment Governor Seymour and Mr. Bryant made speeches, the pervading tone of which was justice and kindness towards the South. Among others Mr. Porter was called upon to respond to a sentiment; the following extracts will convey an idea of the general character and spirit of his speeches. Speaking of the secession movement, he said:

"A whole people do not enter upon a great movement like that, with almost entire unanimity, and sustain it for years with unparalleled

sacrifice of blood and treasure, without the sincerest convictions. We know that we were honest, and that we did our very best to sustain our position. We know, too, that we utterly failed to do so, and men that have honestly and bravely fought out their fight, whatever the result of the combat, can afford to look each other straight in the face and strike hands and be friends again. In such cases men generally become faster friends than they were before. They have tested each other's mettle and learned to respect it. There is no disparagement, no sense of humiliation on either side. Where all is lost on one side but honor, that very honor of the defeated and the magnanimity of the victor furnish a ground on which both may stand on a footing of equality. If we did not feel and assert our sincerity and manhood, we should not be fit to be accounted American citizens. We lost our cause, but we did not lose our honor. If we are jealous of this, let a generous sentiment appreciate and respect the feeling. We stand in view of Fort Sumter. What a tide of recollections does that name summon up! It is not my purpose to rehearse them now. Fort Sumter is a stubborn fact; it stands where it stood; it is and will be memorable in history. But it may be used for other purposes than those of war. Within sight and hearing of the spot on which we stand the first shot of the civil war was fired. Now that the war is at an end, would to God that from this same spot and on this night there may go forth voices that will calm the troubled waters and charm down from above the blessed spirit of peace to brood over them. Then will Sumter, which first woke the echoes of war and clothed herself with thunder, be girt around with blessings and stand forth to all the world as the type and emblem of peace in a once distracted but now reunited land."

This speech seemed to represent exactly the average public sentiment. It was universally acceptable because it set forth mutual respect as the only basis of genuine reconciliation. The *Daily News*, the leading Democratic paper of the metropolis, called it "The New Evangel," likened its effect to that of the old ballad of

“Chevy Chase,” and added that “a few generous words spoken by a Charleston gentleman, standing face to face with a poet and a statesman, fit representatives of the right and sentiment, the native intelligence and ripe culture of our common country, stirred the heart, quickened the pulse, and who shall doubt that they touched to the quick both Northern men and Southern men who heard them?”

In the summer of 1873 the people of the upper portion of the State were greatly disturbed by arrests and prosecutions for alleged participations in what was called the Ku-Klux raids; certain convictions were obtained in the United States Court at Columbia, and persons believed to have been entirely innocent were sent off to the penitentiary in New York. Upon affidavits of irresponsible persons and warrants served by United States dragoons at midnight, several hundred arrests had been made and as many hundred prosecutions commenced. Without warning, young men were seized and hurried to jails in Columbia and Charleston. A reign of terror prevailed, and the region round about was being rapidly depopulated. Major Hart, a most gallant officer of the Confederate army, who had lost a limb in the service, came down from York in June, 1873, and, after stating the condition of things, appealed, on behalf of his constituents, to Mr. Porter to join General Kershaw, of Camden, and Colonel R. M. Sims, of York, and proceed on a mission to Washington to procure, if possible, some relief in the matter of these ruinous and oppressive proceedings. The three gentlemen named did proceed on their mission, with Mr. Porter as their Chairman by seniority. They laid their case first before the Attorney-General, Mr. Williams, and then, by his advice, before General Grant, at Long Branch; their reception was kindly and their mission most successful. After a full and free conference, and upon their assurance that in their opinion the public peace and order would no longer be disturbed, General Grant sent by telegraph to the Attorney-General an order by which hundreds of prosecutions were suspended, never to be renewed, and a number of victims

were released from imprisonment in a remote place of incarceration. Upon no single act of public service rendered by him does Mr. Porter look back with greater pleasure or pride than upon this. During this time, and indeed since the reconstruction acts took the shape of constitutional amendments, Mr. Porter has lent his whole influence and most earnest efforts to calm down the excitement of the people, to impress upon them the duty of loyalty to the Federal Government and to promote an unification of the late hostile sections of the Union upon the basis of mutual respect and kindliness.

The frauds and oppressions perpetrated since the war, upon the people of South Carolina, which have a world-wide notoriety, caused the assembling of the “South Carolina Tax-payers’ Convention” in 1873, to consult and devise measures for a relief of grievances. This body brought together the representative men of South Carolina, and it became a reunion of the best spirits who had survived the conflict, Mr. Porter being elected President without opposition. The convention held two sessions, at the last of which it was resolved to send a delegation of twenty members to Washington for the purpose of laying their grievances before President Grant and the Houses of Congress. Accordingly in March, 1874, the delegation, of which Mr. Porter was Chairman, composed of such men as ex-Governor Manning, ex-Governor Bonham, General J. B. Kershaw, General M. C. Butler, General B. H. Rutledge, Henry Gourdin, and many others equally distinguished, visited Washington. They were accompanied by a delegation from the Charleston Chamber of Commerce. Mr. Porter, in his address to the President, describes the position of the people of the State at the close of the war:

“The single act of Emancipation struck out of existence \$125,000,000 of their property value. Their moneys, their bills, their securities, State and Federal, perished on their hands. They had lands, without labor, or money to hire labor; they had houses or cabins, but without provisions to satisfy the hungry cravings of men, women and children. If ever there was a people

upon whom the hand of taxation should have been laid lightly and gently, it was the people of South Carolina at the end of the war. . . . The doubling of our citizenship by the reconstruction measures has divided the State into two classes or strata, the one property-holding and tax-paying, the other non-property-holding and non-tax-paying, and in the latter class resides the absolute political power of the State, including the great sovereign power of taxation; and this class is banded together as a fixed political majority, which refuses any substantial representation to the tax-paying minority. The practical result, then, is this: that the people who levy the taxes do not pay the taxes; those who pay the taxes have no voice in fixing the amount of them; and the taxes so raised are expended not by those who pay them, but by those who feel really no part of the burden of them. We doubt whether such a condition of things has ever before existed in any government which called itself a free representative government. Those who do not pay the taxes care not how heavily they lay them on; and the more heavily they lay them on, the more money they have to expend. In point of fact, there is no check, no limitation, no responsibility, such as exists where the representatives feel that they owe an accountability to a tax-paying constituency. Our taxable values before the war were near \$500,000,000; they are now reduced to \$150,000,000 or \$160,000,000. Upon that \$500,000,000, before the war, was raised for the ordinary current expenses of the government the sum of about \$400,000; but upon the reduced values of \$150,000,000 there is now raised the annual sum of over \$2,000,000. Considering the loss and depreciation of property, the reduced ability of the people to pay, and the false and exaggerated assessments made, the proportion between the tax now raised and that raised before the war would be fifteen or twenty to one. It is no wonder, then, that in one year 268,000 acres of land were forfeited to the State for non-payment of taxes, and that in the single county of Beaufort some 800 out of the 2500 farms sold by the United States to

the colored people have also been forfeited for the same cause. So, too, the funded debt of the State has been increased from about \$6,000,000 to an admitted figure of \$16,000,000, with an undefined margin of floating debt and unacknowledged bonds. To state the case in a few words, it may be said that our present rulers have already utterly destroyed the credit of the State by the excessive issue of bonds, partly legitimate and partly fraudulent, and are now engaged in devouring the substance of the people by the grinding exactions of taxation."

The delegation, meeting with but little encouragement from the President, drew up a memorial to Congress setting forth their grievances and asking for an investigation. The committee, appointed by the Speaker of the House of Representatives, made, through Mr. Tremaine, of New York, a report adverse to any action being taken, but a minority report was presented, through Mr. Eldridge, of Wisconsin, setting forth the case of the memorialists in a very favorable light. Immediately upon the action of the Tax-payers' Convention becoming known to the Republican office-holders in Columbia, a counter-delegation was organized and proceeded to Washington, composed of Cardoza, Wittemore and other notorious members of that party, to oppose its objects, and it was subsequently ascertained that the expenses of this body were supplied out of the funds of the State.

In June, 1875, the Washington Light Infantry, a gallant volunteer corps of Charleston, of which Mr. Porter had formerly been commander, proposed to go to Boston and join in the celebration of the Centennial Anniversary of the Battle of Bunker Hill. Governor Chamberlain hearing of their purpose, caused a beautiful flag to be prepared, emblematical of South Carolina, and by letter requested Mr. Porter to present it to the regiment on his behalf. In his letter of acceptance Mr. Porter wrote as follows:

"Permit me to express my cordial concurrence in the sentiments so happily expressed by you. It seems to me as if there were something providential in the occurrence of these centen-

nial celebrations so soon after our recent estrangement. If there be a place, a common ground, on which the people of the North and the South can meet and renew their pledges of fidelity to liberty and Union without disparagement or loss of self-respect on either side, it is upon the grounds, the holy places, where their forefathers laid the foundations of independence and cemented them with their precious blood. The memories there kindled will, by a sort of moral telegraphy, flash from the first altars of liberty raised in the North to the first altars raised in the South, and thence diffuse themselves, as electric fires, through the forty millions of hearts that throb in sympathizing patriotism over this broad continent. This is the way of all ways to 'bridge over the chasm.' In furtherance of this blessed work, let me express the hope that on the 28th of June, 1876, when South Carolina in her turn celebrates the victory of Fort Moultrie, the bright morning star and harbinger of independence, Massachusetts and all the old thirteen will be there to take their place in the picture."

The mission of the Washington Light Infantry was a grand success. Their reception was most hearty, and the banner they bore, the revolutionary cavalry flag of William Washington, the only relic of the kind perhaps to be found in the possession of any volunteer company, was everywhere hailed with enthusiasm, and gave additional eclat to the occasion. There can be no doubt that this patriotic pilgrimage of a representative military corps of South Carolina to Massachusetts on a day, to a spot, and for a purpose, so dear to the last named State, did much to rekindle the fires of their old friendship, when in the days of the war for independence they stood by each other so bravely and steadily. The hope expressed in Mr. Porter's letter that Massachusetts would return the compliment on Carolina's day was realized, for on the 28th June, 1876, the centennial anniversary of the battle of Fort Moultrie, the Boston Light Infantry, a splendid corps, commonly known at home as "the Tigers," came down in full company, and joined in celebrating the event which has

given lustre to the names of Jasper, Marion and Moultrie, and which their own historian, Bancroft, has characterized as the "harbinger of independence." After this celebration the Washington Light Infantry and the Boston Light Infantry proceeded together to Philadelphia and took part as portion of the *Centennial Legion of the old Thirteen* in the splendid procession, pageant and festival which has rendered the Fourth of July, 1876, memorable in our annals, and which drew more closely together the sections of the country so lately engaged in dire and fratricidal warfare. In the summer and fall of 1876 South Carolina was convulsed with the great Democratic struggle to redeem her from Radical misrule. The State was filled with fraud, corruption and violence. The burden was intolerable; it was a shame and a scorn to all sense of freedom and manhood. The people determined to make an effort to retrieve themselves that should be worthy of their lineage and history. One heart, one mind and one purpose possessed and impelled them. They felt and knew that if they were to be free, themselves must strike the blow, and they resolved to strike it. Every agency was put in motion; for once there was no division, each man was put to such work as he could best do. Mr. Porter, suffering at that time from a bronchial affection which impaired his voice, was forbidden by his physician to speak in large public assemblages, but his pen was free and active. There was not much need or room for the operation of this agency within the limits of the State, but public opinion abroad was to be enlightened and won over. At the North and West there was a woful ignorance of the condition of things in the "prostrate State," a condition of things which has been well likened to a social pyramid set up on its apex and held in position by fraud and force—by corruption and bayonets. It should be remembered, too, that the white rifle clubs were disbanded by order from Washington, while the "National Guard," composed of colored men, were allowed to drill and parade with arms. But the spirit of the clubs was not to be quenched. Some idea of it may be formed from



the motto which the Washington Light Infantry put over the door of their armory, "Disbanded, but solid for Hampton." The columns of the city press swarmed with articles intended to enlighten the popular mind at the North, especially the minds of liberal Republicans, and to conciliate their sympathy and support. As the day of election approached, the Democratic Executive Committee in Charleston concluded to put forth an address and appeal to the people of the United States, and to give it all possible sanction and solemnity, they contemplated its signature by the clergy and by none others. Mr. Porter, at the request of the committee, prepared an address "To the people of the United States," from which we extract the following:

"For ten long weary years the white people of South Carolina have endured a condition of things which any Northern State would have been tempted to throw off, in two years, at the point of the bayonet, if it could have been done in no other way. They bore and forbore, in the hope that some returning sense of justice or happy stroke of fortune would bring relief. But no such sense of justice or happy stroke came to their relief, and hope sickened and died away in their hearts. At last they determined, as by a common impulse, and a natural and uncontrollable instinct of freedom, to make one supreme effort for their redemption; but to make it under and within the law.

"Those who hold authority here, having through party affiliation access to the highest organs of political power in the country, and to the equally powerful organs of the partisan newspaper press, have subjected us to the vilest misrepresentations, and the most cruel slanders. Some of these we desire to correct.

"*It is not true* that the white people of South Carolina are disloyal or disaffected towards the United States Government. On the contrary, they are loyal and well-affected towards it. They obey it at home, and would defend it promptly from foreign aggression

"*It is not true* that South Carolina, or any of its counties, are in a state of insurrection or domestic violence against the government of the

State; or that law and process cannot be duly enforced within her territorial limits; or that there is any lawful cause or occasion whatever for the Federal Government to interfere for the protection of the State Government against the violence of her citizens.

"*It is not true* that the white people of the State are hostile to the colored people, or have any design or disposition to abridge or infringe their political or civil rights. On the contrary, in their conventions, and in the speeches of their candidates, for six years or more, the most public and solemn pledges have been given that all the rights of the colored people shall be respected and protected. The colored people know that these pledges, unlike the promises of the false friends who are leading them, will be faithfully kept.

"*It is not true* that the few 'rifle clubs' in the State are 'combinations of men against the law,' or that they are engaged in 'murdering some peaceable citizens and intimidating others,' or that 'they cannot be controlled or suppressed by the ordinary course of justice.' The President has been deceived. These clubs existed with the knowledge and recognition of the Governor. Not one of them ever acted in defiance of law, or against the government or constituted authorities. The hostility to them of Governor Chamberlain and his coadjutors is recent; it is political, and is designed to affect the coming election.

"*It is not true* that in the recent race collisions the white people have been the aggressors. Their forbearance, as in the Charleston riot, the unprovoked Cainhoy massacre, and the still more recent assassination of a white citizen in Edgefield, has been wonderful. The truth is, that the leaders of the colored people, seeing and fearing that the day of their power was drawing to a close, have excited their ignorant dupes, supplied them with arms, aroused their fears for the loss of their liberty, and thus driven them headlong to deeds of violence.

"We may also affirm some things which *are* true:

"*It is true* that there is in the State a most ac-

tive, earnest and excited canvass to overthrow corrupt rule, and re-establish honest government. This is a legitimate and lawful object which should command the sympathy and support of every lover of his country. It is not treason to defeat Chamberlain, nor is it insurrection or domestic violence to elect Hampton.

"*It is true* that while the white rifle clubs are ordered by the Governor and the President to disband and disperse, the colored militia of the State are allowed to remain in organization and in the possession of their arms, and to attend political meetings in military order with rifles and bayonets fixed. The object of this discrimination is as obvious as is the comparatively defenceless condition in which it places the white population. We simply ask, What would the people of New York or Massachusetts think or do upon a like application of the bayonet policy to them under like circumstances?"

This document was signed by the Roman Catholic Bishop, the Protestant Episcopal Bishop and a large number of clergymen of all denominations. It was designed to present a concise, but comprehensive statement of the grievances of the people of South Carolina, a refutation of the calumnies charged against them, and an earnest appeal to the country for sympathy and aid in preventing the education, culture and property of the State from being utterly overwhelmed by a gigantic mass of ignorance, vice and corruption. The brevity of the paper and the weight of the names attached to it, caused it to be extensively copied and read throughout the North and West. In the election of Wade Hampton and his ticket of State officers, the most ardent wishes and hopes of the people of South Carolina were realized, and the honest, wise, liberal and patriotic administration which was then inaugurated, has commanded the applause of all parties. Mr. Porter having signified a desire to retire from the more active contentions of the bar, accepted from Governor Hampton, in 1878, the appointment to an office established at the session of the Legislature in that year, viz : Master in Equity and Common Pleas. He has devoted more attention to litera-

ture than most lawyers of his day, and numerous pamphlets and addresses before literary societies bear witness to the fertility of his pen.

He was married in 1839 to Emma, daughter of Captain Nathaniel Haraden, of the United States Navy, who commanded a gunboat at Tripoli.

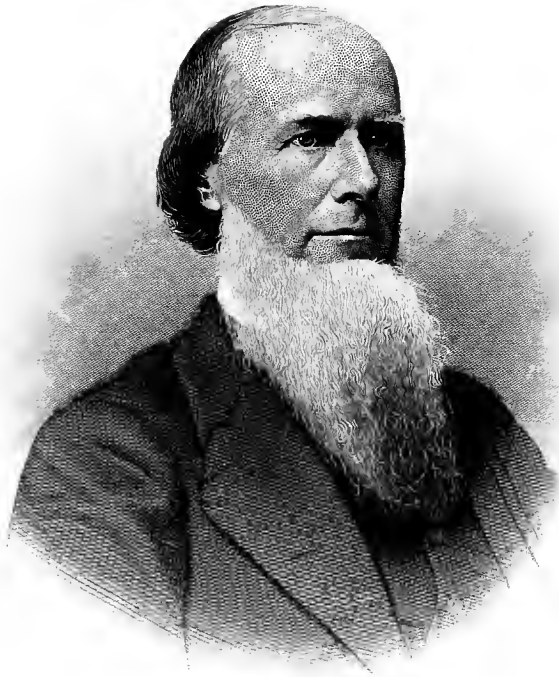
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HON. J. E. BROWN.

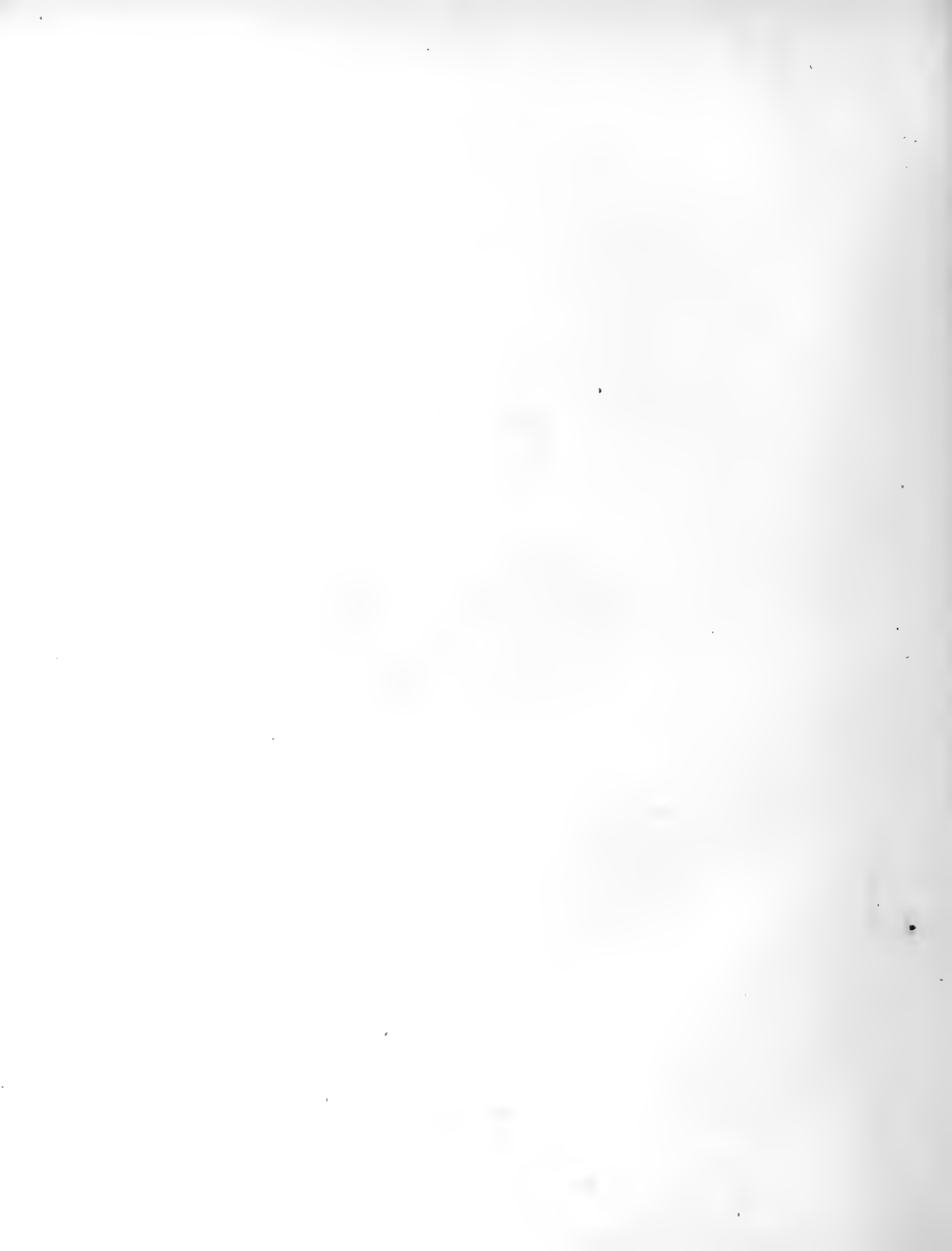
GEORGIA.

**J**OSEPH EMERSON BROWN was born in Pickens District, S. C., April 15th, 1821. His ancestors were Scotch-Irish Presbyterians, and espoused the cause of William and Mary against James the Second of England; they lived near Londonderry, Ireland, and shared the terrible sufferings of the protracted siege of that city. They emigrated to America in 1745 and settled in Virginia, afterwards removing to South Carolina. Joseph Brown, the grandfather of the subject of this sketch, was an ardent Whig in the Revolution, and took an active part in the battles of King's Mountain, Camden and other important engagements; his son, Mackey Brown, when a young man, removed to Middle Tennessee, where he joined the brigade of General Carroll, organized for the war of 1812, and participated under General Jackson in all the battles around New Orleans, including the memorable battle of the 8th January, 1815, in which General Pakenham, the gallant commander of the British forces, was killed. His maternal ancestors were Virginians and subsequently became citizens of Tennessee; his mother, Sally Rice, who was of English descent, soon after her marriage removed with her husband to Pickens District, S. C., where, surrounded by the peaceful comfort of agricultural life, they reared eleven children.

Joseph E. Brown from his earliest years was accustomed to the practical duties of farm-work, attending to the stock and laboring in the field from eight years of age until he was nineteen. He attended the country school in the intervals of his other occupations, and his father having in the meantime removed from South Carolina



Joseph E. Brown



into Union county, northeast Georgia, he entered Calhoun Academy, in Anderson District, S. C., in the fall of 1840. His father having so large a family to bring up had some difficulty in providing for their education, and Joseph took with him a yoke of steers to pay his board for the first eight months, while he was obliged to run in debt for his tuition. In the fall of 1841 he returned to Georgia, and taught school for three months in order to provide funds for his past and part of his future education. Returning to Calhoun Academy in January, 1842, he pursued his studies under Mr. Wesly Leverett, a distinguished teacher of that day, and in the following year removed with Mr. Leverett to an academy he established near Anderson Court-House. Having made rapid progress during these three years he was prepared to enter an advanced class in college, but as his means were too limited at that period, he decided to go to Canton, Ga., where he took charge of the academy in that town, January 1st, 1844, commencing with six scholars, which in a few weeks increased to sixty. His school became very popular and prosperous, and at the end of the year he was enabled to return to South Carolina and pay all the expenses connected with his early tuition. During his stay in Canton he had read law without an instructor at night and in all spare hours, and continued his studies during the year 1845, teaching at the same time the children of his friend, Dr. John W. Lewis, with whom he lived. In August, 1845, after a searching examination in open court, he was admitted to the Bar, being highly complimented by the presiding judge for his proficiency, and in that term of the court made his maiden speech. In October, 1845, with the assistance of his staunch friend, Dr. Lewis, he entered the Law-School at Yale College, and soon found his reward for the previous close application to his legal studies, as he was able to take all the lessons of the three classes and yet find time to attend many of the lectures of Professor Silliman on Chemistry and Geology; Dr. Taylor on Mental Philosophy; Dr. Knight on Anatomy, and others. He graduated in the law-school at the commence-

ment in 1846, but being anxious to attend the fall courts of his home circuit he was permitted to stand his examination and leave in June, his diploma being sent after him. Returning to Georgia he settled in Canton, and was soon engaged in a laborious but lucrative practice. In 1849 he was nominated by the Democratic Convention as a candidate for Senator in the State Legislature from the Forty-first Senatorial District. It was the custom in those days for candidates to spend considerable sums in treating at the different gatherings of their audiences, but Mr. Brown, being a member of the Sons of Temperance, resolutely refused to do this, either directly or indirectly, and though this was used against him by his opponent, Colonel John M. Edge and his friends, the result was his election by a considerable majority. He took an active part in the Senate during the stormy session of 1849 and 1850, and in 1852 was elected on the Democratic Presidential ticket for Pierce and King. He continued the practice of his profession actively till the fall of 1855, when he became a candidate for Judge of the Superior Courts of the Blue Ridge Circuit, and was elected over his popular opponent, Hon. David Irwin, then on the Bench, by over three thousand majority. While on the Bench he introduced many needed reforms in the conduct of public business, and his administration of the law met with much public favor, very few of his decisions being reversed by the Supreme Court. In June, 1857, the Democratic Convention met at Milledgeville to nominate a candidate for Governor of the State: the Hons. John H. Lumpkin, H. G. Lamar and James Gardner were prominent candidates, but after an exciting struggle a committee was appointed, who unanimously presented the name of Judge Brown, and he was nominated by acclamation. Judge Brown, who was always prepared at any moment to set a good example to his hands and show them that he was practically acquainted with all the details of farm labor, happened on this afternoon to be on his plantation on his customary visit of supervision, when noticing that some of the binders were getting somewhat

behind the reapers he "took a hand" himself, and was so engaged when the momentous question of the nomination for Governor was being decided at Milledgeville, totally unconscious of the honor in store for him. Hon. B. H. Hill received the nomination of the American or "Know Nothing" party, and Judge Brown having resigned his judgeship, a thorough canvass of the State ensued, ending in the election of Judge Brown by over ten thousand majority. After the election, but before Governor Brown was inaugurated, the banks generally suspended payment; a law of the State required the Governor in such case to order proceedings in the courts for the forfeiture of their charters, and in his inaugural address Governor Brown condemned the suspension as unnecessary, and announced his intention to order proceedings promptly for the forfeiture of their charters. This created great excitement, and lobbyists and agents of the moneyed corporations besieged the General Assembly and did all in their power to excite popular feeling against the Governor, on the ground that the enforcement of the law would cause great pressure in financial matters and create much public distress. The Legislature shared the alarm and passed a bill relieving the banks from the penalties of the law and legalizing the suspension; every influence was brought to bear on the Governor to induce him to sign the bill, but in spite of importunities and threats he returned the bill with an able message, setting forth in forcible and vigorous language his objections to the measure. Never perhaps has there been a period of such intense excitement at the capital of the State. Many members who shared the Governor's views were forced to yield to the pressure brought upon them by the corporate power and voted to overrule the veto, and when the bill was passed over the veto the rejoicing among the parties interested culminated in a grand entertainment at the Milledgeville Hotel, where the Governor, who was not invited, was referred to in terms by no means complimentary, and it was determined by the representatives of the moneyed corporations of the State then present,

that vigorous efforts should be made to confine his occupancy of the gubernatorial chair to one term. The Western and Atlantic Railroad, the property of the State, was then managed by officers appointed by the Governor, who was held responsible for its success, and hitherto it had paid very little into the treasury. Much discontent was expressed at its want of success, and the Governor, after a thorough examination into its affairs, decided to make a thorough change in all the prominent officials. He appointed Dr. John W. Lewis, a gentleman of excellent practical ability and undoubted integrity, superintendent, and selected practical men, without regard to influence, for all the important offices. Those who were dismissed, although of the same political party, served to swell the already powerful party who were inimical to the Governor's chance of future election. The railroad had been managed in the interests of politicians, and the withdrawal of the free passes by the Governor created much dissatisfaction among those who rode free. The Governor, however, disregarded all opposition and pursued his course with untiring energy and unyielding will, and, by economical management of the railroad on a strictly business basis, brought it into good condition and enabled it to pay \$200,000 into the State Treasury at the end of the first year, and \$300,000 per annum before the breaking out of the war. As his term of office drew to a close the opponents of Governor Brown were very active, but met with little sympathy from the great mass of the people.

The Democratic Convention of 1859 nominated him for re-election almost unanimously, while the American party chose Hon. Warren Akin as their candidate, who actively canvassed the State. Governor Brown refused to make a single speech during the canvass, being willing that the people should judge him by his acts, and was triumphantly re-elected by nearly twenty-two thousand majority, the largest that any candidate for the office had ever received before. During his second term the controversy between the North and South, which had so long agitated the country, was brought to a

crisis by the election of Abraham Lincoln to the Presidency by a sectional party vote. Governor Brown, who was born in the vicinity of John C. Calhoun's estate, had been brought up in the political school of that great statesman, and conscientiously believed in the doctrine of State sovereignty and that the perpetuation of slavery was necessary to the future prosperity of the South. He was satisfied that Mr. Lincoln's triumph upon a sectional issue imperilled both, and believed that the country could never rest till the question was brought to a practical test and decided. He therefore espoused the cause of secession as the only practical remedy, and used his utmost endeavors to carry the State for that measure. In 1861 the State of Georgia had property valued at \$672,732,901, and 101,505 citizens entitled to vote. She sent over 120,000 soldiers into the field during the civil war, 20,000 more than her whole voting population. Her property was valued in 1868, the first year that official statistics were gathered after the war, at \$191,235,520, or \$481,497,381 less than in 1861, showing the loss of between two-thirds and three-fourths of her whole property by the war. These are striking statistics, and show how sturdily this powerful Southern State adhered to the Confederate cause, and to what extent she devoted her men and means to the cause she had espoused. But, while sending the flower of her manhood and pouring out her resources without stint, she held an exceptional attitude in firmly antagonizing every measure of the Confederate government that she considered an encroachment upon constitutional law, State sovereignty, or liberty; fighting to the last extremity some of the most pronounced measures of the Confederate government, arguing and protesting against their policy, and yet in every case giving the substantial aid called for under such measures. Amid the direct necessities of the conflict she sought to preserve the principles of a constitutional government; she gave men and money whenever called for—more than called for; she prided herself upon the promptitude with which she obeyed every requisition for soldiers. But she made a decided stand for the Constitution whenever she thought Confederate legislation invaded its principles, and, when the history of the war comes to be written, several of her conflicts of argument with the Confederate government will stand as famous episodes and historic constitutional landmarks. Governor Brown was the leading spirit and agent in the military administration of the State during the entire war. It would be difficult to convey an idea of the military fervor of those days; the South was in a delirium of threatened revolution, and Georgia was heated from seaboard to mountain. When it became certain that Georgia would secede, and the controversy arose between the Federal government and South Carolina about the occupation of her forts, Governor Brown ordered the occupation of Fort Pulaski by State troops until the question should be decided. His prompt and decisive action was in accordance with the spirit of the hour; its effect on the other Southern States was electrical, and gave to Georgia that prestige which she held to the close of the war. The Georgia Secession Convention assembled on the 16th of January, 1861, and was one of the ablest bodies ever convened in the State, including in its membership nearly every distinguished public man in the Commonwealth. Its President was George W. Crawford, formerly Representative in Congress, Governor of the State, and Secretary of War in President Taylor's cabinet. Among the members were Robert Toombs, United States Senator, afterwards Secretary of State for a short time in the Confederate administration; Linton Stephens, and his brother Alexander H. Stephens, Vice-President of the Confederacy, now member of Congress; ex-Governor Herschel V. Johnson, candidate for Vice-President of the United States on the Douglas ticket; Judge E. A. Nisbet, of the Supreme Court; Hon. B. H. Hill, present United States Senator; Alfred H. Colquitt, the present Governor of Georgia; Henry L. Benning, Judge of the Supreme Court; Hiram Warner, Chief Justice of the Supreme Court, and a host of others equally well known. On the 18th of January a resolution declaring in favor of seces-

sion was passed by 165 ayes to 130 nays, showing how strong the anti-secession party was at that time in Georgia; some of her ablest men, notably ex-Governor H. V. Johnson, the Stephens brothers, B. H. Hill, Chief Justice Warner, etc., recording their votes in the negative. After the passage of the resolution the colonial flag of Georgia was raised, and, on the 19th of January, the ordinance of secession was passed by 209 ayes to 87 nays, the distinguished gentlemen above mentioned still opposing. When secession had been determined upon, however, the delegates all signed the ordinance, six doing so under protest. Georgia was the fifth State that seceded, having been preceded by South Carolina, Mississippi, Florida, and Alabama. Governor Brown with characteristic promptitude hastened to make practical the sovereignty of the State. The United States flag still waved over the Augusta arsenal, where Captain Arnold Elzey was in command of a few troops, with a battery of two twelve-pound howitzers and two other cannon, besides 22,000 stand of muskets and rifles, and large stores of powder and shot. The Governor, through his aide-de-camp, Colonel Henry R. Jackson, previously United States Minister to Austria, and subsequently Brigadier-General in the Confederate army and Major-General in the State service, made formal demand, January 23d, 1861, for the surrender of the arsenal, which, though at first refused, was afterwards acceded to, the company marching out with military honors amid a salute of thirty-three guns—one for each star on the old flag, which was then lowered. The flag of Georgia—pure white with a five-pointed star in the centre—was then raised, and salutes fired in honor of the five seceding States and the future Confederacy. One of the most dramatic episodes connected with Georgia's war record was her bold reprisal upon New York, involving some sharp correspondence between Governor Morgan, of New York, and Governor Brown, of Georgia, and resulting in a substantial victory for Governor Brown. On the 22d of January the police of New York seized thirty-eight boxes of muskets shipped on the steamer "Monticello"

for Savannah. D. C. Hodgkins & Son, of Macon, proved ownership to two hundred of the guns as their individual property, and appealed to Governor Brown, who telegraphed to Governor Morgan; February 2d, 1861: "As Governor of Georgia I hereby demand that the guns be immediately delivered under your order to G. B. Lamar, of New York, who is hereby appointed my agent to receive them. I trust no similar outrage may be perpetrated in the future." No reply having been received to this, on the 5th of February the Governor telegraphed his aide-de-camp, Colonel Henry R. Jackson, at Savannah, instructing him to direct Colonel A. R. Lawton "to order out sufficient military force and seize and hold subject to Executive order every ship now in the harbor of Savannah belonging to citizens of New York. When the property of which our citizens have been robbed is returned to them, the ships will be delivered to the citizens of New York who own them." After this order was issued a reply to his telegram was received from Governor Morgan, in which he acknowledged the receipt of Governor Brown's telegram, but said its grave character and unofficial form forbade his taking action in regard to it without better authenticated information, and requested Governor Brown to communicate by letter. On the 8th five vessels were seized at Savannah, and riflemen placed in charge of them, with instructions not to molest crew or cargo. On the same day Governor Brown wrote a full explanation of the matter to Governor Morgan, reiterating his demand for the delivery of the guns, notifying him of the seizure of the vessels and of his intention to hold them until justice was done in the matter. On the 9th Mr. Lamar notified Governor Brown that the guns were at the service of their owners, and the ships were immediately ordered to be released. On directing the guns to be shipped, however, Mr. Lamar was informed by the Superintendent of Police in New York that the authorities refused to allow the guns to be shipped and would seize more. Upon this Governor Brown promptly ordered the seizure of three other vessels and



advised Governor Morgan of his action, and also that if, by the 25th of March, the guns were not restored, the ships would be sold to pay for their loss. Governor Morgan, finding himself powerless against Governor Brown's summary methods of procedure, wisely released the guns, and, upon proof of shipment, the vessels seized were released and this novel altercation ended.

The Convention authorized Governor Brown to raise two regiments of regulars and to purchase steamboats for the fortification of the rivers and the protection of inland navigation; he promptly carried out their wishes, placed the vessels under the command of Commodore Tattnall, who had resigned from the United States navy, and offered his services to his native State. The strong points upon the coast around Brunswick were fortified, and garrisoned with six months' troops, under the command of Major-General Henry R. Jackson. In the meantime, the Congress at Montgomery had formed a provisional government, and Virginia had united herself with the Confederacy. Requisition after requisition was made upon Governor Brown for troops by the Confederate government, and he never made a call for volunteers that was not responded to by a much larger number of eager Georgians than were called for: up to October, 1861, Georgia had in all forty full regiments in the Confederate service, and of those the State had armed, accoutred and equipped twenty-two regiments at her own expense, while of the Colonels of these forty regiments sixteen rose to the grade of Brigadier and Major-General.

When in the summer of 1861 the canvass for Governor was commenced, the friends of Governor Brown, in view of the ability and vigor he had displayed in the defence of the State, and his exertions for the success of the Confederate cause, urged him to consent to become a candidate for a third term; this was contrary to all previous usage in the State, no one having hitherto occupied the office, by a popular vote, for more than two terms. He hesitated before he would consent to violate this well-established usage, but mature reflection convinced him that

at this momentous period of the history of the State, duty required him to yield his objections. His opponents nominated Judge E. A. Nesbit, a gentleman of elevated character, who had been member of Congress, Judge of the Supreme Court, etc., and chairman of the committee that prepared and reported the ordinance of secession, but the election resulted in the re-election of Governor Brown by nearly 15,000 majority.

When the conscript act was passed by the Confederate Congress, Governor Brown considered it a palpable violation of the constitution, and an utter disregard for the principles of State sovereignty, for the vindication of which he went into the contest. While he protested against the measure as a violation of the Constitution and a disregard of principle, he offered no active resistance to the execution of the conscript law in the State, further than to refuse to permit the State organization to be disturbed. At the time of the passing of the conscript act, he claims that he could have furnished fifty regiments of Georgians, if the President had called for so many. The people were everywhere eager to volunteer, but from the time the conscript act was enforced there was a great reluctance, never shown before, to go into the field. Even after that, however, there was no difficulty in furnishing troops promptly, and in larger numbers than called for, if they had the right to form their regiments at home and elect their own officers, as was shown by the fact that when the President called for twelve regiments of volunteers, Governor Brown sent him eighteen. It was the constant practice in the North, when the President made a requisition on the Governors of States for troops to furnish them organized into regiments: the same practice in Georgia would have given regiments so long as there were men out of whom to make them. Conscription was never a necessity in Georgia, and the most determined opposition to the conscript law came from that State; the controversies that ensued upon this and kindred subjects between Governor Brown and President Davis are matters of Southern history. Every inducement was offered, and every influence brought to bear upon

Governor Brown, including, it is said, the offer of a seat in President Davis' cabinet, to reconcile him to the support of the conscript act, but without success. The correspondence between Governor Brown and President Davis on the constitutionality of this act was conducted with great ability and dignity on both sides, both showing themselves masters of the subject, and each presenting his own side with striking force. The Governor, in his first letter, stated that Georgia had seceded from the Union because the Federal Government had disregarded the rights of the States, and contended that the conscription act placed it in the power of the Confederate executive to disorganize all State troops, and destroy Georgia's State government, by disbanding her law-making power. Under the conscript law every officer of the State government, the State employes, the mechanics, railroad operatives and State military officials, etc., could be forced into the Confederate service, and that it was unconstitutional for the executive to have such power. He argued that the act was in conflict with the Constitution, which reserved to the States the right to train the militia, and to appoint its officers. He declined to have anything to do with the enrolment of conscripts, reserving any test of the constitutionality of the act when it would less seriously embarrass the Confederate government in the prosecution of the war. In his second letter Governor Brown started out with the assurances that while, as an individual or executive, he proposed to give the President all aid possible in the war, he did not propose to commit the State to a policy subversive of her sovereignty, and at war with the principles for which Georgia entered the revolution; and wound up his letter with this paragraph: "Should you at any time need additional troops from Georgia to fill up her just quota in proportion to the number furnished by the other States, you have only to call on the executive for the number required, to be organized and officered as the constitution directs, and your call will, as it has ever done, meet a prompt response from her noble and patriotic people, who, while they

will watch with a jealous eye, even in the midst of revolution, every attempt to undermine their constitutional rights, will never be content to be behind the foremost in the discharge of their whole duty." In his reply to this letter, President Davis concludes thus: "In conclusion, I take great pleasure in recognizing that the history of the past year affords the amplest justification of your assertion that if the question had been whether the conscription law was necessary to raise men in Georgia, the answer must have been in the negative. Your noble State has promptly responded to every call that it has been my duty to make on her; and to you personally, as her executive, I acknowledge my indebtedness for the prompt, cordial, and effective co-operation you have afforded me in the effort to defend our common country against the common enemy." Four letters were written by Governor Brown, in which the whole question was discussed with much ability and at great length, and the profound interest in the controversy which pervaded the whole South, the importance of the subject, the high position of the gentlemen and the ability and dignity of the letters, made the discussion one of the mile-stones of the Confederate era.

In May, 1863, a correspondence occurred between Governor Brown and Hon. James A. Seddon, Secretary of War, in regard to the right of the Fifty-first regiment of Georgia volunteers to fill by election the colonelcy made vacant by the killing of General Slaughter at Chancellorsville. The regiment was one of the twelve organized regiments turned over to the President in February, 1862, and declared by Mr. Benjamin, then Secretary of War, to be entitled to elect their own officers and have them commissioned by the Governor of Georgia. Governor Brown claimed that, apart from this pledge, this regiment came under the clause of the constitution reserving to the States the appointment of the officers. Mr. Seddon claimed that, under the conscription law, the President was authorized to appoint the officers: to which Governor Brown replied that the conscript law being in conflict with the constitution, the constitution must govern. Mr. Seddon

refused to yield, and the Governor concluded his final letter with—"The President has the power in his own hands, and I am obliged for the present reluctantly to acquiesce in what I consider a great wrong to thousands of gallant Georgia troops and a palpable infringement of the rights and sovereignty of the State. I will only add that this letter is intended more as a protest against your decision than as an effort to protract a discussion which it seems can be productive of no practical results."

In July, 1863, Governor Brown ordered, in the event of there being insufficient volunteers, a draft of eight thousand men for home defence, from persons between eighteen and forty-five, including British subjects. Mr. A. Fullarton, British Consul at Savannah, protested against such service, stating that for maintaining internal peace and order British subjects were liable to duty, but not for fighting the United States troops, claiming that the United States was not a foreign power in relation to Georgia. Governor Brown replied, refusing to exempt British subjects from such duty or to modify his order; the United States was a foreign nation at war with Georgia, and if the British subjects did not wish to incur the burden of living in Georgia, they could leave. Mr. Fullarton replied that while advising British subjects to do police or patrol duty, he counselled them that if they were required to leave their homes or meet the United States forces in actual conflict, to throw down their arms and refuse to render the service which violated their neutrality. He claimed that Governor Brown's course was in contrast with the practice of the United States Government and other Southern Governors. Governor Brown replied that while Her Majesty's subjects live in Georgia, they must perform the duties imposed upon them by the law of nations. That if Mr. Fullarton really thought that the United States was not a foreign power hostile to Georgia, he should have appealed for protection to British subjects resident in the State to the Government at Washington, and not to the Governor of Georgia, and added that if the subjects of Her Majesty should act on Mr.

Fullarton's advice and throw down their arms on the approach of danger, and thus be guilty of the unnatural and unmanly conduct of refusing to defend their domiciles, they would be promptly dealt with as citizens of the State would be committing such dishonorable delinquency. As to the United States exempting British subjects, as it had by the use of money drawn large numbers of recruits from the dominions of Her Majesty in violation of the laws of the realm, it might well afford to affect a pretended liberality which cost it neither sacrifice nor inconvenience. Mr. Fullarton gave up the contest, and there is no report of any hardship being suffered.

In the fall of 1863 the period again arrived for the Gubernatorial election, and Governor Brown again consented to become a candidate. The opposition despairing of his defeat by a single-handed contest determined to put in the field two candidates, Hon. Joshua Hill, who possessed the confidence of those opposed to secession, and Hon. Timothy Furlow, an active secessionist, so that they might draw off from the Governor the support of the extremists of both parties. The Constitution of the State required the successful candidate to poll a majority of all the votes cast or there was no election, and the choice must then be made by the Legislature. The canvass excited a lively interest, but Governor Brown was elected for his fourth term by a heavy majority over both opponents.

The fall of Vicksburg splitting the Confederacy asunder, the removal of General Joseph E. Johnston from the command of the army in Georgia after the retreat before Sherman to Atlanta, the defeat of General Hood, July 22d, 1864, and the subsequent loss of Atlanta by the Confederates, engendered a desperate feeling in the South. Governor Brown had called out the militia in the State not included by the conscription law, embracing boys down to sixteen and old men up to fifty-five, and the State officers, many of whom had seen service and been discharged for disability. These men were dubbed "Joe Brown's pets," and all responded with alacrity to the call when the State was invaded. Ten thousand men and boys of this non-combatant

material were organized into companies and regiments, armed and equipped, choosing their own officers: General Gustavus W. Smith, of the old army, was made Major-General, and placed in command of these reserves, with General Robert Toombs as his Chief-of-Staff. General Smith reported to General Johnston, and, after his removal, to General Hood. In battle these troops behaved most gallantly. They were well officered and elicited the approbation and praise of both generals. Two regiments of "bridge guards," so called because they were organized to guard the railway bridges in the northwestern portion of the State from the raids of Federal cavalry, were also turned over to General Johnston by the Governor. In the battle of July 22d, 1864, the youngest brother of Governor Brown, Lieutenant-Colonel John M. Brown, commanding his regiment, was wounded while charging a battery, and died a few days afterwards. He had been wounded six weeks before, and without fully recovering had, against the advice of his friends, returned to his regiment and paid the forfeit of his life.

These troops, when under General Hood's command, were the occasion of the last memorable controversy between the Governor and the Confederate Government. President Davis, through Mr. Seddon, made requisition upon Governor Brown for these ten thousand militia and such other force as he might be able to raise—those in General Hood's department to report to him, and those outside to the commandant of South Carolina and Georgia. This requisition was dated August 30th, 1864, and alleged the condition of the State subjected to formidable invasion as the basis for it. In the desperate stress of the Confederacy and the stern spirit that pervaded all classes in the consciousness of impending disaster, the forms of politeness were ignored. The antagonism between these high officials had widened and become more embittered, and the correspondence was as fiery, incisive and biting as it was possible to be—it was war to the knife. The requisition of Mr. Seddon was received on the 12th of September, and Governor Brown made immediate

reply. He regretted that the President was so late in discovering that Georgia was in such danger. The "formidable invasion" began in May, and was still going on. He scathed the military policy that had scattered forces instead of concentrating at the point of danger, that had withheld reinforcements until the damage was accomplished, and that had left in our rear a camp of thirty thousand Federal prisoners. He scored the administration for not discovering that the troops asked for were already in the trenches fighting under General Hood. As the call for them was unnecessary, he argued that the President desired to get control of the whole of the reserve militia, disband its organization, and put his own officers over the troops. No other State had organized such a force not subject to conscription and placed it in command of a Confederate general; no such requisition was made upon the Governor of any State but Georgia, and no law of the Confederacy authorized it. The requisition, too, was made in such a manner as to take the troops out of the trenches rather than putting them in; dividing the troops and sending a part of them to Charleston, where there was no active military operations. Governor Brown refused to honor the requisition, but said he should keep these troops at the front under the command of the Confederate general as long as he stayed in Georgia. Governor Brown went on to say that Georgia had fifty regiments in Virginia, besides soldiers in every State, and if her brave sons could return to fight for their own State, they would drive back the invader or perish in the attempt.

After a correspondence characterized by bitter recrimination on both sides, in which Mr. Seddon charged that Governor Brown's prominent and influencing reasons sprang from "a spirit of opposition to the government of the Confederate States and animosity to the chief magistrate whom the people of the Confederacy had honored by their choice and confidence;" and Governor Brown's reply that his animosity to the President was really his unwillingness to endorse the errors of his administration; the Governor refers to the devastation of Georgia,

and says that the only slight barrier to the foe was this very militia of boys and old men that he refused to turn over to President Davis. Before General Sherman left Atlanta with his army on his famous march to the sea, he sent Mr. William King, a citizen of Georgia, to Milledgeville to inquire whether the State of Georgia would treat separately with him or the authorities of the United States for peace. In his reply Governor Brown said: "Say to General Sherman that the sovereign State of Georgia has entered into a confederation with her Southern sisters for the maintenance of the same sovereignty on the part of each severally, which she claims for herself, and her public faith thus pledged shall never be violated by me. Come weal or come woe, the State of Georgia shall never, with my consent, withdraw from the confederation in dishonor. She will never make separate terms with the enemy, which may free her territory from invasion, and leave her confederates in the lurch." But the end came. Georgia did all she could to avert the failure, and gave her sons and resources unstintedly, and no State suffered more than she. After Johnston's retreat to the Chattahoochee and Sherman's capture of Atlanta, the northern section of the State became a lawless ruin and a wilderness of anarchy. A wide belt, from the mountains to the seaboard, four hundred miles in length and forty in width, was the theatre of unredeemed devastation. Nearly five hundred millions of her wealth was sacrificed. She trenched upon the cradle and the grave for fighting material. She furnished some of the most brilliant military capacity of the war as well as her share of the most conspicuous heroism. And while it may seem that her sticking for constitutional principle in the fierce exigencies of the strife was inopportune, it exhibits her conscientious conviction of public right and her uncompromising fidelity to duty.

When the war had all but closed, Governor Brown still had in Georgia, after she had furnished nearly one hundred regiments to the Confederate army, a considerable military force under General Gustavus W. Smith. Generals

Lee and Johnston had surrendered when General Wilson, commanding a large force of Federal cavalry, entered the State and summoned Governor Brown to surrender. They met at Macon, where the terms were agreed upon; the State troops were surrendered on the terms given to General Lee, and Governor Brown took his parole and returned to his home in Milledgeville. The next night the Executive mansion was surrounded by a Federal force, in command of a captain who informed the Governor that they were sent to arrest him. He denied their right, and tendered his parole. The captain replied: "I am instructed by General Wilson to take that from you." The Governor protested against this outrage, as he had not violated his parole, and claimed that the faith of the United States was pledged for his protection. He was, however, compelled to yield to armed force and deliver up his parole, was allowed but thirty minutes to prepare for his departure, and not permitted a moment privately with his family, and carried to Washington and incarcerated in Carroll prison. He addressed a letter to President Johnson, stating the facts and protesting against the injustice done him, and at the end of a week obtained a personal interview, at which the President promised to investigate the case. After a few days' detention his release was ordered upon his parole, and he returned to Georgia, and on the 30th of June, 1865, resigned his office as Governor, as he was prevented by armed force from exercising its functions.

In February Governor Brown and Judge D. A. Walker, of the Supreme Court of the State, visited Washington with the view of ascertaining the true situation of affairs. They had access to those high in authority of every shade of opinion, and after a careful investigation were satisfied that nothing less than a ratification by the Southern States of the Fourteenth Constitutional Amendment—conferring suffrage on the colored race—would satisfy Congress or the people of the North, and in case of the rejection of the terms then dictated by Congress, they were convinced that other requirements would be added which the South

would be compelled to accept. On his return to Atlanta a number of citizens asked his views and advice on the situation, and in compliance with their request he prepared a letter for publication advising the people of the South to accept the situation, comply with the terms and obtain representation in Congress again as soon as possible, as the best they could do under the circumstances. Before publishing this letter he submitted it to the inspection of some confidential friends, saying he intended to publish it in the hope that the people might follow his advice and save themselves much embarrassment, misery and distress, adding: "But in the present excited state of the popular mind, the chances are that bold leaders will inflame their passions and prejudices, and they will reject the terms proposed and have to suffer the consequences. And in that case, from having been for years one of the most popular men in Georgia, I shall become for a time the most unpopular from the Potomac to the Rio Grande." His friends, agreeing with this view, urged him to withhold the publication of the letter, saying: "As you hold no public trust, you are under no obligation to give advice which may injure you or your popularity," to which the Governor replied: "Gentlemen, I am indebted to the people of Georgia for all that I am as a public man, and I have made up my mind to tell them the truth and warn them of their danger, be the consequences what they may to me as an individual." Some of the popular leaders of the State soon came forward and in public meetings denounced Governor Brown's course, urging the people to reject the terms in disdain, and to fold their arms and take no part in the elections soon to be held for delegates to the convention called by the military under the act of Congress. Public excitement ran high, but Governor Brown did not hesitate, in the face of the strongest marks of popular disapproval, to warn them of the error they were committing. "We went into the war," he said, "to vindicate the doctrine of State Sovereignty and sustain slavery. When we appealed to the arbitrament of the sword and invoked the God of battles, we were bound to abide the decision. That decision was against us, and we have no other alternative but submission. If we could not sustain our cause with 500,000 bayonets, in the hands of as many brave, heroic men, how shall we uphold it after we have been compelled to make an unconditional surrender? Slavery and State Sovereignty are both practically lost." Through his influence and that of a few more patriotic, self-sacrificing men, some 30,000 to 40,000 white men went to the polls and voted for good men, carrying with them a sufficient number of the negro votes to secure the election of a number of able representatives. When the convention met, Governor Brown, who was ineligible as a member, had much to do with influencing its counsels and shaping its action, and the result was that in the main an excellent Constitution was secured. Had his advice been taken, and the whole people of the State taken part in the elections and accepted the situation, most of the difficulties through which her people afterward passed, and millions of debt which the State was saddled with, might have been avoided. Had the people of the South followed his advice and complied as promptly with the terms dictated by Congress as they did with those dictated by President Johnson, there would have been no Fifteenth Amendment, as the faith of Congress was pledged, on such compliance, to have admitted all of the Southern States back to their equal position in the Union. The supplemental acts of Congress and the Fifteenth Amendment grew out of the unwise course pursued by the people of the South. In the spring of 1868 the popular excitement in the South became so high that those who acted with the Reconstruction party were not only socially ostracised, but were in many cases in personal peril. At that time the South looked to the Democratic party to undo all that had been done by Congress and replace the State governments created under President Johnson. The plan, as announced by many prominent leaders, was to elect a Democratic President, and let him declare the Reconstruction acts unconstitutional and void, and refuse to execute them, and leave the Southern

States free to displace the governments set up under the Reconstruction acts. Governor Brown became satisfied that such an attempt must cause more strife and bloodshed; and it being well understood at that time that General Grant would be the Republican candidate for President, he was of opinion that, under the circumstances, his election was necessary for the maintenance of peace and order; and that, considering the extreme and dangerous policy advocated by the Democratic leaders, there was no other course for him, and others who had accepted the situation, than to act with the Republicans and aid in the election of General Grant. After he was forced to this conclusion, he went as a delegate to the Chicago Convention, voted for Grant's nomination and advocated his election in the canvass that ensued. After Grant's election, however, when the harsh and aggressive nature of his attitude towards the South became apparent, and in view of the altered feeling of the Southern people, who had abandoned all their wild schemes of resistance to the recent legislation, he publicly announced, before the termination of President Grant's first term, his strong disapproval of the course pursued by him and the Republican party. On the nomination of Horace Greeley to the Presidency, in 1872, he accorded him his hearty support, and since that time has acted steadily with the Democratic party. After the Seymour canvass the Democrats ceased to be so violent in their denunciation of the Constitutional amendments and Reconstruction measures, and it is not a little singular that the very leaders who had so loudly arraigned them, expressed their acquiescence in the Constitutional amendments in the Democratic Convention which nominated Horace Greeley; while in the convention at which S. J. Tilden was nominated they affirmed in their platform their *devotion* to them. Every one also who has since held office has sworn to support the Constitution as it now stands with those amendments. Neither in 1868 nor at any time since has Governor Brown expressed his devotion to the amendments, but he acquiesced in them as a necessity resulting from the war.

When the Legislature met, in 1868, Governor Brown was nominated by the caucus of the Republican party as a candidate for the United States Senate for the "long term," in the belief that he could, on account of his position on the Reconstruction question, be of service in the Senate in securing the early readmission of the State to the Union. As he had been considered the leader of the Reconstruction party in the State, the Democratic leaders made bitter war upon him and used every means possible to secure his defeat. Hon. Joshua Hill, who professed to be a Republican, became an Independent candidate, and was able to gain the support of a small number of Republicans, seeing which the Democrats voted for him almost unanimously and thus secured his election. Soon afterwards Governor Bullock nominated Governor Brown as Chief Justice of the Supreme Court of the State for twelve years, which was confirmed by the Senate. He occupied the Bench at a time when many vexed questions, arising out of the new order of things, required decision, where the court had no precedent to guide it; but his decisions have generally stood the test of time and compare favorably with those of other like tribunals. Finding this position a very laborious and confining one, and the duties so arduous as to impair his health, he tendered his resignation in 1870. In the same year he became one of the lessees of the Western and Atlantic Railroad, running from Atlanta to Chattanooga, a distance of 138 miles, under the act of the Legislature authorizing the Governor to lease it to a company. This railroad was commenced in 1837, and built entirely by appropriations from the State, and, with the exception of the period when it was under his control as Governor of Georgia, had paid but little into the State Treasury. During his administration it paid in an average of \$300,000 per annum for about five years, and the rest of the time, being the latter part of the Confederate era, a very large amount was paid in Confederate currency. It was leased by the State for the sum of \$25,000 per month to twenty-three gentlemen, among whom were Colonel Thomas

A. Scott and Hon. Simon Cameron, of Pennsylvania, Hon. Columbus Delano, of Ohio, William T. Walters, of Baltimore, Colonel E. W. Cole, President of the Nashville, Chattanooga and St. Louis Railroad, Thomas Allen, President of the St. Louis and Iron Mountain Railroad, John P. King, of Augusta, Hon. B. H. Hill, Governor Joseph E. Brown, and others. On the organization of the company Governor Brown was unanimously chosen President, and, being thoroughly acquainted with its capabilities from his previous experience of its management while in the Executive chair, he immediately, on taking charge, reorganized it on thorough business principles and appointed an entirely new staff of officers. When he took charge he found the road run down to the lowest point, the permanent way and rolling stock being completely worn out. The pay-roll was at once cut down to reasonable limits, wooden bridges were replaced by iron ones, steel rails were substituted for iron, the rolling stock rebuilt and a thorough reform instituted in every department. The lease is for twenty years at the rate of \$300,000 per annum, paid monthly; the road cost the State from \$6,000,000 to \$7,000,000 in its construction; thus it will be seen that in the twenty years the lessees will have paid the State \$6,000,000, for the due performance of which they have jointly entered into a bond for \$8,000,000. The road is a trunk-line to the West, with a net-work of roads at each end, and is subject to a tax of one-half of one per cent. on its net income in Georgia, and about \$4,000 a year in Tennessee. Governor Brown is also the President of the Dade Coal Company, whose land, about 15,000 acres, is situated at Sand Mountain, in the northwest corner of the State on the borders of both Tennessee and Alabama. It was originally a private company, but has since been incorporated; half the stock is owned by Joseph E. Brown and his son, Julius L. Brown, and the remainder by Jacob W. Seaver, of Boston, W. C. Morell, Treasurer of the Western and Atlantic Railroad, Colonel John T. Grant, and his son, W. D. Grant. There are two seams of coal at present being worked—

the Dade coal and the Castle Rock coal; the former has a seam of about five feet in thickness, and is an excellent coal for steam purposes, almost free from sulphur, and considered equal to the Connellsville coal of Pennsylvania for coke; the Castle Rock, with a seam of three feet to three and a half feet, is a fine grate coal and a good steam coal, being especially suitable for iron-mills, and yields good coke. The tunneling runs into the west side of Sand Mountain for nearly half a mile, consisting of three parallel tunnels with cross tunnels; the mine is in excellent condition and under the charge of an English captain. The company leases three hundred convicts from the State for twenty years, at an average cost of twenty dollars per capita per annum; they are clothed, fed and guarded by the company, the latter so carefully that but one has escaped in five years. Good labor is expected from them, but they have comfortable quarters and are well fed, some sixty acres being devoted to the raising of every kind of vegetable for their use.

The present product of the mine is about ten thousand bushels a day, and the coal is used largely for railroad purposes, rolling-mills and domestic uses, and the coke for iron smelting. A railroad five miles long has been built by the company from Shell Mound, on the Nashville, Chattanooga and St. Louis Railroad, to the foot of Sand Mountain, and a narrow-gauge line of two and a half miles cut into the side of the mountain in a zig-zag brings down the coal from Dade Mine to the broad-gauge road beneath, while an incline, worked by steel-wire traction, brings down the coal from Castle Rock to the foot where are situated the coke-ovens. Shops for the construction and repair of cars, and every convenience for carrying on the operations of the company, are to be found at the works. The company employs about fifty hands, in addition to the convicts, as overseers, guards, engineers, firemen, etc., etc., and the amount paid out in salaries for guards alone averages \$11,000 per annum.

Governor Brown assumed control of the company in 1872, the act of incorporation expressly



stating that he shall manage its affairs, and by the admirable methodical system he has inaugurated he is kept acquainted, while in Atlanta, with every detail of the operations at the mines, and is thus enabled to achieve a degree of efficiency combined with economy that would otherwise be impossible. During the great panic in 1873, when commercial interests were paralyzed all over the country, the Dade Coal Company, then only twelve months in existence, felt the depressed state of trade severely, but the able financiering skill of Governor Brown piloted it safely through all dangers.

Governor Brown is also the President of the Southern Railway and Steamship Association, formed of the representatives of nearly all the railroad and steamship companies interested in Southern traffic. The Association is a very extensive one, embracing nearly all the railroad corporations from the Potomac to the Ohio and east of the Mississippi, and every steamship line running down the coast. They meet frequently for the discussion of passenger and freight rates, and the protection of their mutual interests. Governor Brown was elected President of this Association at its inauguration, in 1874, and has been re-elected annually up to the present time.

Governor Brown has all his life been deeply interested in the question of education, and since the difficult problem of education for the colored race has been pressing for solution, has given close attention and much time to the subject. In Atlanta an excellent system of public education, supported by taxation out of the city treasury, has been in existence for the past eight years. There are two high-schools and seven grammar-schools, four for the white and three for the colored, who are kept entirely separate, and some sixty teachers. The Board of Education, organized under a statute of the State, consists of thirteen members, of whom the Mayor of Atlanta is *ex officio* one. Governor Brown was elected President of the Board at its first inauguration, and has been re-elected to the office periodically ever since. He has also been a Trustee of the State University at Athens for the past twenty years.

Raised on a farm, Joseph E. Brown has that instinctive love for the soil implanted in the breast of every true agriculturalist, and every detail of farm-life and labor is familiar to his hand. He has a large plantation in Cherokee county, on the Etowah river, another in Gordon county, on the Coosawattee river, a smaller one in Fulton county, and a fourth in Cherokee county. His land is rented to tenants of both races, and, providing they are industrious and of good character, one receives as much encouragement as the other. Wheat, rye, oats, clover and other grasses are cultivated with much success, and about one-tenth is planted in cotton; the Governor, as in all other matters in which he is engaged, takes a personal interest in the success of his tenants, aiding and encouraging them with his advice and contributing materially to their prosperity. Being desirous that two of his sons should become practically acquainted, as he is himself, with every detail of a farmer's life and duties, he gave them each a piece of land which they were to cultivate themselves totally unaided: ploughing the land, sowing the crop and personally performing the labor of a farm-hand, so that they might become practically acquainted with every department of agricultural life. The elder of the two having gone back to finish his collegiate course, the younger, now nineteen years of age, is left in sole control of the plantations, some fifteen hundred and twenty acres in extent, having the management of the tenants and the supervision of the crops, in which he is succeeding well.

State Senator, Judge of the Superior Court, Governor of the State for four consecutive terms, and Chief Justice of the Supreme Court of the State; the only man who has ever presided over the three Departments, the Legislative, Executive and Judicial, having been the head of two of them and occasionally presided over the other; Joseph E. Brown has achieved the most remarkable political success ever known in the history of Georgia. Possessed of a vigorous and comprehensive intellect, capable of the profoundest thought and the broadest generalizations, and with unequaled power of influencing

and controlling men, he seized the public mind and impressed himself upon public affairs with more force than any public man in Georgia ever did before. Rich as Georgia has been in remarkable men, it may be doubted if she ever produced a man with more force of character than he. A close student from his youth up, no man has been more economical of time and opportunity for self-improvement; methodical and systematic, every department of knowledge has received some share of his attention. In a life crowded to the full with incident; with multifarious interests, each one sufficient to engross the attention of any ordinary man, he has, by a systematic daily division of his time, been enabled to give sufficient attention to each in its turn, and thus, the busiest of men, to find ample leisure for all. His whole public life has been one continued combat: he assaulted the entire banking interests enthroned in the cities and overcame them; he defied and rode roughshod over the press when it assailed him; he antagonized the General Assembly on measures where he considered them wrong; and was successful in every conflict. During the entire war he was the leading spirit in its military organization, the sturdy upholder of State sovereignty, the bitter and determined opponent of the conscript law—and his popularity was unbounded. Popular as he was, from the seaboard to the mountains, his unpopularity has been equally great. He was, during the reconstruction period, the most execrated public man the State has ever known, a painful position that would have overwhelmed a man of less force and elasticity. This arose from his advising the people to accept the situation after the surrender, and his declaration that, as a conquered people, the South had no alternative but to submit to the terms imposed. The losses of kinsmen in battle and total destruction of property were too recent to make people take kindly to the severe terms imposed, and Governor Brown was generally denounced. His rising above that unpopularity is the most wonderful example of political vitality ever known. True to his friends, but an unyielding opponent, fertile in resources, a

shrewd judge of men, a potential ally and a dangerous antagonist, strong in common sense, and with nerve for anything, "Joe Brown," as he is familiarly called, has been and will be a power in Georgia as long as he lives. As a financier he has no superior in his State; during his term in the Executive office, the rigid economy practised by him in his public expenditure, and the large amounts paid into the treasury from the State Railroad, through his skilful management, enabled him to reduce the State taxes to six and a half cents in the hundred dollars, the lowest rate of any State in the Union at that time.

He is a prominent and active member of the Baptist Church, proving his faith by his works, and no one is more liberal in the use of his ample means for charitable and benevolent purposes. He married, July 13th, 1847, Elizabeth, daughter of the Rev. Joseph Grisham, a Baptist minister of Pickens county, S. C., his wife's family being by intermarriages connected with the family of the distinguished statesman, John C. Calhoun. He has seven children living: his eldest son, Julius L. Brown, a graduate of the State University, and of the Cambridge Law School, Harvard University, is a prominent lawyer in Atlanta; Joseph M. Brown, his second son, was educated for a lawyer, but his weak eyesight has compelled him to abandon the law, and he is now a promising railroad man; Elijah A. Brown, his fourth son, is at present in the senior class at the State University; Charles M. Brown, the fifth, is now in charge of a plantation on the Coosawattie river, Gordon county, and George M. Brown, his youngest son, is a student at the Atlanta High School. His eldest daughter is the wife of Dr. E. L. Connally, a prominent physician of Atlanta, and the younger, Miss Sallie, is now in her teens. His third son, Franklin Pierce Brown, died at the age of eighteen, having been afflicted with spinal disease all his life. He was self-educated, and a young man of phenomenal talents and great promise. He left a library of over a hundred volumes, every one of which he had read and mastered. A beautiful monument of Carrera marble is erected to his memory in

Oakland Cemetery, Atlanta, the whole of the sculpture—of rare excellence—having been executed in Italy. It bears the following tribute to his memory: "Of this extraordinary youth the distinguished statesman, Hon. A. H. Stephens, wrote: 'Such a prodigy of intellect and virtue in a body so frail, I never met with in any other human form, and never expect to if I live a thousand years.'"

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DR. J. S. WEATHERLY.

ALABAMA.

**J**OB SOBIESKI WEATHERLY was born at Bennettsville, Marlborough county, S. C., July 8th, 1828, and is the son of Job Weatherly, a native of Maryland, of English descent, who settled in South Carolina during the Revolutionary war. His grandparents on the maternal side, the McRaes, emigrated from Scotland to South Carolina, his mother's father serving in Marion's division during the Revolution.

His eldest brother, Thomas Christopher Weatherly, was a planter and prominent politician in South Carolina, and to his foresight Dr. Weatherly was indebted for the choice of his profession. He occupied a number of prominent offices, being tax-collector at twenty-one years of age, and afterwards sheriff; served for several years in the lower house of the State Legislature, and subsequently in the Senate from Marlborough county; he was universally popular among both the white and colored population, and, since the war, received the support of both races in his elections to the State Legislature. Had not his ill health prevented, he might have aspired to any office in the gift of the people. He died July, 1878.

Dr. Weatherly received his education at the Bennettsville High School, Marlborough county, S. C., and commenced the study of medicine under Dr. Alexander McLeod in his native town. After two years' study he went North, where he spent two years as a private pupil of Dr. P. A. Aylett, and in attending lectures at

the Medical Department of the University of New York, whence he graduated in 1849. In July, 1851, he commenced the practice of his profession in Adairsville, Ga., but in August of that year removed to Palmetto, Coweta county, where he established himself in a profitable practice. In January, 1857, he removed to Montgomery, Ala., where the rapidity with which he acquired a prominent position was something remarkable. He has resided there ever since, and now enjoys one of the largest and most responsible practices in that city. In April, 1862, he was made surgeon of a hospital at Shiloh, and on his return to Montgomery, received the appointment of Medical Purveyor of the Department of the Mississippi. Shortly afterward he was ordered to Savannah, but soon sent in his resignation in consequence of sickness in his family. Returning to Montgomery he was offered an appointment in the hospitals there, but declined, and except when his services were needed, confined himself to his private practice during the remainder of the war. In 1866, in conjunction with Drs. Baldwin, Gaston, Michel and others, he organized the Montgomery Medical and Surgical Society, of which he was afterwards President for two years in succession, and in January, 1879, was elected for his third term. The Medical Association of the State of Alabama had been in existence previous to the war, but was suspended during the struggle. In 1867, mainly owing to the exertions of Dr. Weatherly, it was reorganized; he afterwards became its First Vice-President, subsequently its Orator, and in 1875 its President. He has always been intimately connected with the association, and is now a censor, and member of the State Board of Health, established under its auspices. Drs. Weatherly, Gaston and Michel were mainly instrumental in securing the passage through the Legislature of the bills establishing the State Board of Health, Regulating the Practice of Medicine in the State, and securing the necessary appropriation, and by their persistent and untiring exertions this great step in the direction of sanitary reform has been accomplished.

In 1868 the American Medical Association held its annual meeting at Washington, at which some few Southern delegates were present for the first time since the beginning of the war. Dr. Baldwin and Dr. Weatherly were delegates from the Montgomery Medical and Surgical Society, and Dr. Weatherly was placed on the Nominating Committee. He had been led to believe by the highest authority that a large number of the Northern and Western delegates, in a spirit of reconciliation towards their Southern brethren, so long estranged, were desirous of supporting a Southern man for president. Both he and Dr. Baldwin were new members—only elected at that meeting—and consequently he was totally unacquainted with those present. When the nominations were made, the names of Dr. Cox, of Washington, Dr. George Mendenhall, of Cincinnati, and Dr. W. O. Baldwin, of Montgomery, were proposed, the latter by Dr. Weatherly, who was surprised and chagrined to find that he had been misled as to the intentions of the delegates mentioned, and mortified that his nominee, Dr. Baldwin, at first received but limited support. Having once engaged in the contest, however, he was determined to carry it to a successful issue, and with characteristic energy spoke and argued the question at great length. When it became known among the members that Dr. Baldwin's nomination would be considered as holding out the right hand of fellowship to the South, and his distinguished position in the profession was fully realized, he gradually gained strength as ballot after ballot was taken, until he received the required number of votes to insure nomination. A recess was then taken, and some dissatisfied delegates advanced the opinion that Dr. Baldwin, having only been elected a member at that meeting, was ineligible. On reassembling for the evening session, it was moved to reconsider the nomination, and Dr. Arnold, of Savannah, was advocated as Dr. Baldwin's substitute.

Nothing daunted by these tactics, Dr. Weatherly pressed the claims of his candidate with persistent vigor, and in spite of the fact that on one ballot Dr. Arnold received almost enough

votes to secure nomination, by his untiring exertions Dr. Baldwin was eventually unanimously nominated for President. At that time Dr. Baldwin was personally unknown to the majority of the members present, but by the able manner in which he filled the presidential chair and the eloquent addresses he delivered with a view to promoting harmony between the two sections, he fully vindicated Dr. Weatherly's championship of his claims, and that gentleman gained many warm friends who showed their appreciation of his manliness and courage by nominating him, in his absence, in 1870, unanimously for First Vice-President, a fact hitherto totally unprecedented. In May, 1871, he attended the meeting of the American Medical Association, held in San Francisco, Cal.; delegates were present from twenty-four States and Territories east of the Rocky mountains, and many of the wives, daughters and lady friends of the physicians accompanied the party. Dr. Weatherly, in a letter to Dr. E. S. Gaillard, editor of the *Richmond and Louisville Medical Journal*, described his "Impressions by the Wayside" on his journey from the Atlantic to the Pacific ocean, from which we have only space for a few graphic extracts. After passing Wahsatch Station, in the beautiful range of mountains of that name, where the road runs along 7,400 feet above the level of the sea, he says:

"We enter Echo Cañon, at Castle Rock, and now find ourselves surrounded by scenery too grand to be described. We are going 'down grade,' and thunder along as if running over a smooth plain. Rugged mountains to our right and left and front; perfectly barren on the right except a few pines or cedars, whilst to the left they are covered with green verdure and flowers. To the right they ascend to immense heights, their tops crowned with snow, while small evergreens dot their sides, or hang amid the clefts which extend frequently from top to bottom. Hanging Rock and the old Mormon fortifications are now passed, and we stop for a few moments at Echo City. There all eyes are turned to the left to see the one-thousandth mile tree. It is a pine of considerable size, no other

tree near it, and a white board, with 'One thousand miles' painted on it, nailed to the tree. Echo Cañon being left behind, we now dart into Weber Cañon, where the scenery is even grander and more magnificent. The mountains approach so near as to almost meet, and they just leave room enough for the railroad, Weber river, a small mountainous stream, and the old emigrant track. These three things occupy all the vacant place between the mountains, and it seems as though Nature had an eye to this when the cañon was formed. You look up and see the mountains frowning down from their immense heights. Far below us we see the Weber, dashing and plunging along, while hugging closely to the foot of the mountains the old emigrant road winds its picturesque way. You even see occasionally a little white-covered wagon, with a few cattle going slowly along, just as the old emigrants did ere the engine's whistle echoed along these mountain sides. The ride through this cañon is delightful beyond description, and you look and look until you are almost bewildered. The mountains assume all sorts of figures; you see the old feudal castle, with its lines of defenders; the solemn cathedral, and, with a little effort of the imagination, even the priest in his robes. Huge animals are also represented, and at last you have scarcely time to think, so fast do new beauties burst upon the sight. Imagination is almost suspended, and a feeling of awe gradually envelopes you. The feeble efforts of your neighbors to express their feelings in words is irritating. You feel that words are impotent—that the subject is too grand to be compassed by them. You sit still and mute, looking and wondering, as the grand book of Nature is unfolding before your enraptured vision. A devotional feeling gradually steals over you, and the mind humbly lifts itself from this contemplation of Nature's works to Nature's God. . . . To the left a beautiful sheet of water, calm and placid in the gray mist of the morning. This was Donner Lake. It is situated upon the top of the (Nevada) mountains, and looks like a bright jewel in a setting of white, fringed with green. The snow covers

the ground to a depth of several inches, even now (end of April), whilst the green pines, cedar and fir trees wave their beautiful tops high into the air. This lake is undoubtedly the crater of an extinct volcano. It is three and a half miles in length by one mile in width. The bottom has never been found; it has been sounded to a depth of 1,700 feet. I know of no place that would be more attractive to the tourist or artist than this beautiful region around Donner Lake. . . . Leaving this beautiful spot with regrets, we are soon in the midst of some of the most beautiful as well as grandest scenery in the world. Unlike the Rocky mountains, which are grand and solemn, there is a world of beauty surrounding the Nevadas, which renders them indescribably interesting. We feel a pang of sorrow that they are so far away that comparatively so few persons can ever see them. Two engines are again at work, and slowly we ascend until we are 7,040 feet above the sea. We pass mountain upon mountain, with fearful chasms between them, the whole covered with pine, cedar and fir trees rising from a bed of snow sometimes to immense heights. We now start 'down grade,' the descent being nearly 100 feet to the mile. We are going at a rapid speed, the mountains towering above us. We rush through tunnels and snow-sheds, catching an occasional glimpse of a beautiful mountain stream which sparkles in the early morning sun. The observation car is again attached, and we rush into it, so as to have a good view as we round Cape Horn, which we are rapidly approaching. At eight A. M. our train halts on a small projection from the mountain. The mountains are high above us, and we look almost directly down for a thousand feet below us. We are so near the edge of the precipice that some of the ladies, and perhaps gentlemen also, begin to feel quite nervous. Far below you see the river skirting the foot of the mountain, while a beautiful little valley, almost round, stretches away to the opposite hills."

Dr. Alfred Stillé, of Philadelphia, was the President at that meeting, but Dr. Weatherly, as First Vice-President, presided a considerable

portion of the time. The question of female representation in the association was brought forward by some of the Philadelphia delegation, and debated at length and with much excitement in the presence of several female delegates, who had seats on the floor. Many of the speakers displayed much warmth in their argument, and the advocates and opponents of the question being pretty equally divided, considerable tact and much firmness was required in the presiding officer to preserve order during the somewhat tempestuous debate. Finally a resolution was introduced to refer the whole question to the local societies in Philadelphia, who had, through their delegates, forced the subject on the attention of the association. After the meeting was over, Dr. Weatherly was very highly complimented by the members for his judicious and impartial conduct while in the chair. In 1871 he delivered an address before the State Medical Association, at Mobile, Ala., on Medical Education, in which he says:

“For years past the great complaint of American physicians has been that, although the science of medicine was evidently advancing, yet it was being so crowded with illiterate and incompetent men as to greatly retard its march toward that perfection which all good men wish to see it attain; and that if something was not done, and that quickly, too, it would soon be lost in the ample folds of quackery and empiricism, whose ranks are being constantly replenished from the innumerable medical colleges whose cheap tuition and low requirements for graduation induce men to become students of medicine who are not fitted either mentally or morally for becoming acquainted with a science second to none in importance, and more difficult than any other of being mastered in all its various branches; a science deep-rooted and widespread, affecting every one, rich and poor; more deeply interesting to humanity than any other calling, dealing both with the physical and moral man. Strange indeed is it that the people do not recognize the fact of its intimate relations with their welfare and happiness, and demand, in tones not to be mistaken, that none

but men of high culture, mentally and morally, should be admitted into this priesthood, whose business it is to watch over them in the journey of life, seeing that this life, which cannot be restored once it is gone, be prolonged to its fullest extent, that the lives of themselves and their loved ones be not terminated too soon by an unfortunate diagnosis or a failure to apply the right remedies at the proper time. . . . With the view of making an organized movement in opposition to the downward tendency of the profession in this country, some twenty-three years since the American Medical Association was formed. It has been faithfully at work from that time to the present; and very much has been done by that body in elevating the tone of the profession all over this country and in directing the minds of medical men to the great necessity of reform. But its influence being exerted morally alone, and from the fact that the colleges have always had such large representations in its councils, and from the almost impossibility of getting uniform action between them (without which it is evident nothing can be done), few permanent and practical changes have been made. . . . That it will never recommend cheap medical education as a means of progress and reform, I am fully convinced. . . . The evident effect of cheap medical education would undoubtedly be to induce a great many to enter the profession who, as Dr. Cochran says, ‘Study medicine as a mere trade, not as a liberal profession, and they are chiefly anxious to get a diploma, which gives them a quasi respectable position in the world with the least possible expenditure of time and money:’ men who will not have the necessary groundwork naturally or by education, without which it is impossible to become scientific physicians. All cheap things are valued accordingly, and when it takes no more time, money or preparation to enter what should be a learned profession than it does one which does not absolutely require much learning, they will reason that as it will probably sound better to be called doctor than tradesman, and as it will take no more outlay (or not so much) of time or money to acquire a

profession than it will to get a trade, they will become doctors; and if they cannot succeed at legitimate medicine, they can swell the ranks of the quacks, and eke out a livelihood by imposing upon the credulity of the public, which unfortunately, they soon learn, is easily done.

. . . Under the present system of medical education as generally adopted in the United States, we find that the ranks of legitimate medicine (not counting quacks) is more than full, and that, according to the best statistics, we have about one doctor to every two hundred and fifty inhabitants who are able to pay for the services of a physician. . . . Until the standard of medical education is raised, and its honors placed so high as to be coveted by the best and brightest intellects in the land, can we expect relief from the profession alone, independent of the colleges? It is evident, then, that the profession cannot be benefited by any process whose tendency is to create a greater supply of doctors than is necessary for the welfare of the people. In Europe the governments take care that the supply and demand shall be carefully regulated. The consequence is that all over Europe a doctor is an honored man. In some places his diploma is considered as a patent of nobility. Alas! how different in this land of isms. . . .

The correct plan, it seems to me, is for the student not only to spend plenty of time, but also money, for that is the real touchstone to the value of everything in this world; and then he will be in a condition to appreciate what has cost him so dearly. Not only that, the people will be taught, as they are in Europe, to respect a profession whose honors have to be won at so much cost and labor. I believe also that it is the plan by which we are to have good teachers. They must be paid so well that the most learned in the profession will be willing to devote their time and knowledge to teaching."

In March, 1872, Dr. Weatherly delivered the Annual Oration before the Medical Association of the State of Alabama, at Huntsville, Ala., and chose for his subject "Woman: Her Rights and Wrongs," in the course of which he said:

"The clamorers for women's rights demand

that she shall be placed upon an absolute equality with man in every particular, enjoying all the privileges that he enjoys, doing the same work, and receiving therefore the same pay. But she must recollect that when she gets to doing man's work she must do it as well as he does it, or suffer the consequences. There is no chivalry in labor or commerce, and when she enters the field as a rival to man, she must not object at receiving the same treatment as her male rivals. Whoever does the most and the best work must succeed. And if women do the same amount of work, and as well as men do it, of course they ought to receive the same pay. They must, however, submit to the same treatment, for they cannot be treated as men and women too. She must take her choice. . . . We will glance *en passant* at female suffrage as a means of redress for woman's wrongs. It is a question of vital importance, it seems to me, not only to women, but to men and governments. It is something also which cannot be put aside by jests or sneers, but must be met sooner or later. How the agitation will end I cannot pretend to say. A few years ago the abolition of slavery had fewer advocates than the women suffrage has to-day. It was looked upon as an idle dream of fanatics and enthusiasts, yet behold the result. It concerns the good and wise men and women of this country to ponder well the inquiry, Whither are we tending? What effect will it have upon society when women abandon the care of home and children for the jury-box and hustings? That women can vote as intelligently as most men, I have no doubt. That is not the fact that should startle us. It is, Will it be best for her to do so? Will it remedy any of the evils of which she complains? And, above all, will she be a more competent helpmate to man? Will she be a better instrument in the hands of God for the advancement of religion and morality? Will 'Domestic happiness, the only bliss of Paradise that has survived the fall,' be increased? Will the country be moved forward in the path of greatness and grandeur and purity more rapidly? Will men be better, or politicians more honest?

These are grave questions, pregnant with good or evil to society. It is useless for us to close our eyes and say that this thing cannot be. It may be long before we of the South have any experience with this trouble; our women, thank God, are women still:

“Soft as the memory of buried love,  
Pure as the prayer which childhood wafts above.”

They have always kept aloof from the demoralizing issues of the day, and I feel proud that I can say that our Southern women are the purest type of women upon the face of the globe. ‘In that stillness which most becomes a woman, calm and holy,’ the Southern woman ‘sitteth by the fireside of the hearth, feeding its flame.’ May she continue so to do, furnishing an example of woman’s duty to her aspiring Northern sisters. I think the time has arrived for the real women of this country to arise and assert their rights. They are in great danger of suffering unknown evils from the work of their progressive sisters. I say, let them demand their rights and contend for the dear privilege of being women still. Let them not relinquish the claim of being justly designated the purest and best part of created things. . . . Woman’s strength and safety is in her womanhood, and a true man will always respect it. Her great danger is from herself. In her vain efforts to ape the ways of man, she is running the risk of demoralizing both, for when men cease to treat and respect woman as woman, her moral influence will be gone, and without her influence for the cause of religion and morality, sin would hold high carnival in the world, and all intellectual and moral advancement will be at an end. Men left to themselves, without the refining hand of woman, would soon degenerate into little less than brutes. And it is from this degradation, alike detrimental to both sexes, that I wish woman to save us. It will not do to say that we are too far advanced in civilization for anything of this sort to happen. No civilization is permanent if the moral part of humanity is not also educated and perfected. It is in this particular field that woman’s work lies. There

is plenty of work for her to do, and of the kind that is elevating and useful to both sexes. How much more benefit to suffering humanity was Florence Nightingale, acting the part of a gentle and ministering angel to the sick and wounded soldiers, than she would have been had she gone to them with probe and scalpel! . . . Above all, we must teach them that the purity and well-being of the human race depends upon the kind of mothers from whom we draw our being. Let us strive to have woman elevated, educated and purified. Let her stand forth and claim the great right of educating and training her children for usefulness in this world, and immortality in the next.”

At the annual meeting of the American Medical Association, held in Philadelphia, in 1872, Dr. Weatherly, as Chairman of the Committee on Medical Education, prepared a report in which he, after deploring the fact that the association had hitherto taken no steps to carry out the prominent idea which led to its formation—the improvement of medical education in this country—recommends “that an appeal be addressed by this association to the different State authorities, advising that no more charters be granted to medical colleges which do not agree to adopt the plan of teaching which this association shall hereafter recommend as the guide for all medical colleges in the Union. Further, that when institutions already chartered fail to adopt, or fall below the standard adopted and approved by this association, the State authorities (acting for the good of the people) shall cause a surrender of the charters of all such institutions. And that the scheme of one or more national medical colleges, as suggested and advocated by Dr. Baldwin in his presidential address, in 1869, is feasible and proper, and should be prosecuted to a successful issue. Such institutions would soon regulate medical teaching in this country, and there seems to be no good reason why they could not be organized in such a way as to be entirely free of all political bias.” He also advocates a standard of education, and one for membership for the association, and suggests that a congress, composed of two members from each State and



Territory and one from each recognized medical college, all to be members of the association, be appointed to perfect a plan for some uniform system of medical teaching which, when adopted by the association, shall be the only recognized method of medical teaching in the United States.

In May, 1872, the Rocky Mountain Medical Association was formed in Philadelphia, composed of the medical gentlemen, 123 in number, who had crossed the Rocky mountains in 1871 to attend the meeting of the American Medical Association in San Francisco. Its purpose was solely social and memorial, and had its origin in a desire to perpetuate the friendships then formed among the physicians who formed the party; it was intended that so long as any members were living they should assemble annually at the time and place selected for the meeting of the American Medical Association, and continue to do so until time should blot the organization from the page of history. Its first President was Dr. Washington L. Atlee, of Philadelphia, and then follow annually in succession Dr. B. H. Catlin, of Connecticut, Dr. G. W. Mears, of Indiana, Dr. B. Gillett, of Pennsylvania, Dr. J. M. Toner, of Washington, and Dr. N. S. Davis, of Chicago. The addresses of the presidents, with biographical sketches of the members, were collected together in a handsome memorial volume, which forms a pleasing and appropriate souvenir.

In 1875 Dr. Weatherly, as President, delivered an able address before the Medical Association of the State of Alabama, of which 1,000 copies were printed at the expense of the association for general distribution. The State Legislature, with a wisdom and generosity far in advance of most State Legislatures, constituted that body the State Board of Health, and confided the Sanitary Department of the State government to its keeping, and Dr. Weatherly remarks:

"If this association, acting as a Board of Health, cannot demonstrate to an intelligent community that its services are valuable and of the highest importance to its welfare, why then the quicker we abandon the project the better for all parties interested in it. My present im-

pression is that we have the best ground-work for the establishment of a State Board of Health that has yet been projected by any of the States in the Union. But it has to be tested, and it is entirely in the hands of the medical men of the State. . . . I hope and believe that we are destined to furnish a model for all of the States for the future formation of boards of health. If this should prove true, it will be another step taken toward placing our beloved State in the front rank of her sister States, on the road of progress and improvement. Let us do our part in showing to the world that we not only have the climate, soil and mineral productions, but also that in all the departments of society Alabama can step boldly forward and challenge the best to competition, and that not the least of her greatness consists in the wisdom and enterprise of her medical men. . . . It is the business and the duty of the medical profession to teach and to form public opinion in all matters bearing upon sanitary science, and in fact upon all things of which the public is interested in regard to the science of medicine. . . . Diseases of all sorts come as consequences of violations of natural laws, and are punishments for such violations. But many people violate these laws from their ignorance, and suffer equally with those who violate knowingly. People are violating these natural laws every day, who would not do so any more than they would disobey civil laws, if they understood them. It is the duty of this association, through the State Board of Health, to teach the people some of these laws governing diseases. . . . The great, and in my opinion the paramount, obstacle to the rapid improvement and prosperity of the State, is malaria, that subtle poison that has stolen the lives of so many valuable citizens from the fairest portion of the State during the last few years. It still has full sway; absolutely nothing is being done to check the progress of this insidious poison that is every day sapping the energies and taking the lives of our people. Now many will contend, probably, that malarial diseases do not come under the head of preventable. But history will sustain me in saying that if malaria

cannot be entirely suppressed, its effects can in a great measure be gotten rid of by proper attention to drainage, cultivation, etc. And I contend that it is cheaper for us to fight and to throttle this great enemy to our lives and prosperity than it is to yield an apathetic submission to its sway. . . . I firmly believe that if a thorough system of drainage (and as a matter of course cultivation would follow) was put in force, the greater portion of our State that is afflicted with this scourge would be made perfectly healthy. I am convinced that it would be wise policy and a real measure of economy for the State government to adopt some system looking to the gradual drainage of those portions of the State most subject to malarial influences. . . . The saving to the people of the money spent for quinine alone would probably pay for the work done. In the present impoverished condition of the individual citizen, my own opinion is that the government should take charge of this work. Something must be done, and this association should mature and recommend some feasible plan for the rescue of our citizens from this insidious poison. This done, no earthly influence can prevent Alabama from springing forward with the power of a young giant on the road to prosperity and happiness. We can then say, with confidence to the world, come to our State, and we will suit you in climate and soil, but above all other things in health. . . . It may seem somewhat chimerical, even to physicians, at this time for any one to announce that the moral health of the world is to be improved, not only by the willing, but if necessary by the forcible observance of well-known physiological and sanitary laws. I firmly believe, however, that at some future time this will be the case. . . . Standing here to-day and casting a mental horoscope of the remote future, with the far-reaching eye of imagination I can see our beloved art towering far above all other arts or callings. I see it enshrined in the hearts of all the people, and through its influence I see an evolution taking place almost as startling as that told us by Darwin of what took place in the first dawn of creation, when, according to his theory,

man's first entrance upon the world's stage was nothing save a little bit of jelly. I see the physical man grand in his proportions, almost exempt from bodily suffering, his mind wonderfully strengthened and godlike in its perceptions. Mysteries that have no solution for us of to-day, and to our feeble brains are utterly unknowable, will then be as plain as the sunlight dancing upon the mountain's snowy summit. I can see him good and pure, made so by long observance of well-known sanitary laws that are now almost unknown and are totally unobserved by the people. This then is to be our mission. We are to be the instructors in this great branch of art, that is destined to do so much for the good of the human race. Our profession has been called holy and noble, and so it is; for its great business is to protect and prolong human life. The battle will no doubt be fierce and long, but truth and right will eventually prevail. The duty of the profession then is two-fold. It is to show how physical disease can be prevented or ameliorated, and also that a correct observance of certain laws, if applied to marriage, will prevent or at least diminish the amount of crime in the world. Is it too much to expect that in course of time some effectual means will be found of preventing notoriously bad people from propagating their iniquities to posterity? If it cannot be accomplished by natural selections, why then, I say, let the strong arm of the law interfere. Better for the liberty, yea, even for the life of one individual to be sacrificed, than to have a dark and poisoned stream of vice and infamy slowly oozing its slimy way down the course of time, blighting and corrupting with the exhalation of its nauseous vapors everything that comes near it, until it loses itself in the vast sea of eternity. It is a question in sociology which must be considered and probably pondered over for a long time, before any definite action is taken. But we may cast the pebble to-day that will lash the waves of the moral ocean into billows of improvement, that will break upon the pure sands of a new and regenerate world ages hence."

Since this address was delivered the State Board of Health of Michigan has adopted one of Dr. Weatherly's suggestions, and reclaimed millions of acres of land by drainage, and thus greatly improved the health of the people in the vicinity. The State Board of Health of Alabama consists of ten censors, chosen from the members of the Medical Association of the State, of which Drs. Cochran and Ketchum, of Mobile, and Drs. Weatherly and Gaston, of Montgomery, with many others, equally prominent, form part. In March, 1877, the distinguished gynæcologist, Dr. J. Marion Sims, visited Montgomery, the scene of his earliest labors, after an absence of twenty-five years. He was welcomed to this city by a committee from the Medical and Surgical Society of Montgomery. A banquet was given in his honor, at which, in response to the toast of the American Medical Association, Dr. Weatherly, as Senior Vice-President of that Association, spoke as follows:

“Mr. President: While I feel that I am entirely incompetent to respond to the toast to the American Medical Association, yet I cannot refuse after having been called upon to do so by one of its distinguished ex-Presidents, though sure that he could have done the subject more ample justice than it is possible for me to do. As an Alabamian I could not, if I were so disposed, speak anything but good of that grand association, that has taken such especial pleasure in honoring the profession of this State, and particularly of this city. It was the first organization after the war, having any pretensions to nationality, that, with rare good sense and forethought, recognized the true basis of reconciliation between the North and South—a principle that, had it been adopted by politicians, would have long since brought peace to the country and consigned returning boards with all the other paraphernalia of an unholy war to the oblivion of the past, never more to be seen by the eyes of freemen. The principle of action adopted by the American Medical Association, was that the Doctors of the South were equal in every way to the Doctors of the North, and that

the way to win them back to their allegiance was by kindness and fair dealing. I well recollect the first meeting after the war—I believe in 1868—at which the South was represented. Only six delegates from the whole South were present, and three of these were from Alabama. These, however, were received with open arms. The Southern delegates made excuses themselves for the paucity of representation. They said that every Southern State would soon be represented. No questions were asked as to loyalty, except loyalty to the medical profession. To still further show the good feeling and wisdom of this body at that very meeting, an Alabamian, one whom we all have delighted to honor, was chosen President, not, however, as an Alabamian, but as a representative of the whole South. This reminds me of a little scene at that same session, one that is most vividly impressed upon my mind. It was when the newly elected President appeared for the first time before the association, and in a few most eloquent and feeling remarks, struck a responsive chord in that large assembly, bringing tears to eyes unused to weep, and making every one feel that it was good to belong to an association that could make men forget and forgive the past, and feel that they were again brothers, working together for a common good. Since that time three vice-presidents have been selected from this city; and last, but not least, our distinguished and honored guest, who was at one time a resident of this city, was its last President. I, sir, have a most profound respect for this noble representative of the medical profession of the United States. I went with it, an only delegate from the South, across the rugged and grand old Rocky mountains and the beautiful snow-clad Nevadas. I stood with its members upon the golden sands of the Pacific while the glad waves, dashing through the Golden Gate, united in songs of welcome to a body that was willing to make any sacrifice for the purpose of uniting the profession of the whole country in fraternal bonds. I listened to the great representatives of the association as they responded to toasts drank with wines pressed

from the grape grown upon the soil of California, whilst we sat under the far-spreading branches of the green oaks of the beautiful city of Oakland; and I always feel sad when circumstances compel me to miss one of its annual meetings. Some say the association has done no good, but I am sure that it has done and is still doing great good. There is a silent influence that it exerts that, like the still small voice of conscience, is felt all over this broad land, and every day its power is increasing. But I have no time to tell what it has done; only to say that, in my opinion, its work has just commenced, and long after we have ceased to respond at its roll-call, and have been forgotten by our dearest friends, will this association still live to bind together and cherish all that is good and noble in American medicine."

In April, 1877, he read before the Medical Association of the State of Alabama, a paper on Syphilis, in which he called the attention of the Board of Health to this subject as being of more importance to the profession and the people than any other one subject connected with medicine. He says:

"I desire leave to ask this body to take into consideration the possibility and practicability of devising some means for the prevention of the spread of syphilis among the citizens of this State. . . . It will not do to say that the subject is too delicate to be brought into public notice. Nothing that concerns the public and moral health of the people is too delicate to be thoroughly ventilated. I agree with Professor Gross in saying that it is high time that the people should be enlightened upon what is daily transpiring in their midst, and imperceptibly sapping the very foundations of society. And if no legislation on the subject is thought advisable, if the people are thoroughly informed upon the subject, much good will be accomplished. I do not believe there is a man here to-day who would be willing for his daughter to marry a man who was affected with constitutional syphilis. . . . There is not one of you but knows that this one disease is productive of more misery, more suffering, and more sin than any

other malady to which flesh is heir; that from this disease, the most terrible curse, mentioned in the Bible—that the sins of the fathers should be visited upon the children even down to the third and fourth generation—received its most manifest proof. I go still further and say, that I doubt if this infection or poison once engrafted upon the human system, ever does die out, and that there are people now suffering from the effects of this poison whose ancestors contracted the malady ages gone by. I doubt very much if constitutional syphilis is ever eradicated from a system once thoroughly poisoned by it. And right here I wish to call especial attention to one mode of communicating this poison. I mean by that most innocent and pleasant custom ladies have of kissing their friends. You must know that the smallest portion of this poison has only to be communicated to the minutest abraded surface and you can have a chancre. I have a case in my mind's eye now. . . . Many a venom, little suspected, may lurk in the kisses of real friends. . . . The idea has occasionally been advanced, that syphilis, like small-pox, measles and scarlatina, is a self-limited disease, tending in persons of a sound vigorous constitution to spontaneous cure; but such a view is certainly not borne out by the facts of the case. The disease, if left to itself, never wears itself out; its character may be altered or modified, but the poison, like an enemy in ambush, still lurks in the system, ready to explode with full force upon the slightest deterioration of the general health. I have repeatedly witnessed cases in which the poison remained in a state of latency for ten, twenty, thirty and even forty years, the individual being apparently well all the time, when either gradually or suddenly, from some inter-current disease or accident, it broke out in some particular structure, tissue or organ of the body, perhaps selecting a spot hardly the size of a dime or twenty-five-cent piece for the theatre of its operation and the development of its zymotic action. . . . It is not syphilis *per se* that we have to contend with, but many of the hereditary diseases owe their origin to this poi-

son. I have little doubt but scrofula and phthisis are direct descendants from this most loathsome parentage, and also many cases of rheumatism and likewise neuralgias. . . . Certain it is that none of the preventable diseases are so horrible in their effects as this. In cholera, yellow fever, small-pox, etc., the victim either dies or gets well, or, at least, as a general rule, is the only sufferer. But in this a black stream of venomous poison is let loose that travels down the course of time, tainting and blighting the blood, aye, and the intellects of untold descendants from the parent spring. The innocent yet nursed in the womb of time, together with those already here, are doomed to suffer from this awful curse, inflicted upon them by the vitiated constitutions of their ancestors. Many of the best writers and thinkers of the age are now satisfied of the connection between syphilis and consumption. . . . He or they who shall devise some plan for the prevention and final eradication of this most gigantic evil, will have his or their names rung down the everlasting steps of time to the music of grateful hearts yet unborn. . . . The plan, whatever it is, could be carried out as soon as we have County Boards of Health organized over the State. The simple inspection of known prostitutes should not be enough, but every one, male and female, as soon as known to be suffering from syphilis, should be guarded or isolated in some way, so as to prevent the communication of the poison to others. . . . But you say, we would have no right to interfere with the personal liberty of a citizen. Would the law have a right to stop a thief from entering your house, or an incendiary from burning your barn down? Yet your house can be rebuilt and your stolen goods replaced; but who can bring back the smooth and beautiful skin of health to your daughters and sons who may have become infected with this poison? You say that people will not submit; but I firmly believe that, if the people were instructed properly upon this subject, they would lead the doctors, and force some measure for their protection."

During the terrible epidemic of yellow fever

which prevailed in the Southwestern States in 1878, much controversy took place on the subject of quarantine, and the South Carolina Medical Society, having passed a series of resolutions, deprecating all attempts at inland quarantine, Dr. Weatherly contributed a paper to the *Montgomery Advertiser*, reviewing the whole subject as follows:

"In one of the Montgomery papers of a late date a lot of anti-quarantine resolutions from the South Carolina Medical Society was published. Their tone and substance astonished me greatly, as they are not in accord with the prevailing opinions of the thinking and reading medical men of the day, and the South Carolina doctors have been held to be the peers of any body of medical men in the land. The treatment of yellow fever has certainly not improved as much as could be desired, but no one can deny that much progress has been made within the last few years in the study of its etiology and habits. Many facts have been accumulated proving beyond doubt that it is a *portable* poison; in other words, that the yellow fever germ is particulate, and can be carried from place to place in a variety of ways. The people have probably led the doctors in this matter, and as a consequence they clamor for strict quarantine when threatened with a visitation from this much-to-be dreaded disease. The first of these South Carolina resolutions is in condemnation of all attempts at inland quarantine. Why inland towns should not protect themselves from certain destruction, if possible to do so, no reason is given, except on the score of humanity—and the humanity is placed upon the wrong side. One proven fact stands out against a multitude of unproven theories. The facts are that the towns and cities that have instituted rigid quarantine have escaped the pestilence, while those where refugees from infected points have taken up their abode are suffering from this fearful disease. The second resolution is vague and broad. That people in the track of this epidemic are panic-stricken may be true; it would be strange if it were not true. It might have saved hundreds of now desolate households if

they had become panic-stricken early enough to have saved themselves by flight or quarantine. Is there anything wonderful in people becoming alarmed when an unseen enemy steals upon them, killing one-half, two-thirds, aye, in some places three-fourths of the victims attacked? Men may march to battle, cheered by the music of fife and drum, meeting death without fear or thought; but when the monster meets them in an invisible form, striking them down without warning, giving them no chance to strike back, fear must take possession of them; nothing but stolidity could prevent it. As to the inhumanity of inland quarantine, I must say that humanity like charity should begin at home. It might look inhuman, at the first glance, for a town to refuse a sick person entrance within its walls; but if that person is charged with the seeds of an infectious disease, it would be inhuman to allow such person to enter a town, and infect hundreds of others with a deadly disease. It would be better to let the poor wanderer lie down and die, with only the blue sky above, than to allow thousands of good people to become poisoned by coming in contact with such infected person. Now, let us inquire what are the most generally received views as to the origin and propagation of yellow fever. According to my understanding of the most recent teachings on this subject by men who have studied the disease at the bedside, and are not theorists, these views are—

“ 1. That yellow fever is not a native of the United States; that it is exotic; that there are certain localities in this country where, if the germs of yellow fever are carried, they multiply and grow with a wonderful rapidity.

“ 2. That these germs are portable, and can be carried from place to place, either in persons themselves, in railroad-cars, ships, boats, etc., and in fomites of various kinds. This being the case, common sense would suggest strict quarantine in all places where the germs would be likely to grow. Few physicians of the Southwest believe that it ever originates in the United States. Even in New Orleans the almost universal opinion is on the side of importation;

some believing, however, that the germs may live through a mild winter, and be revived by the heat of the following summer. In Mobile and Pensacola the opinion is almost unanimous in favor of its importation. It is a peculiar germ, and requires peculiar surroundings for its incubation and propagation. They grow and multiply best in a filthy soil, but we have yet to see proof that any amount of filth in this country will produce the yellow fever germ. Charleston, I believe, is the only place in the United States that claims to be able to produce this terrible pestilence without the introduction of the germ from abroad. If Charleston wishes this honor, let her have it by all means. Now a few facts in regard to the present epidemic as bearing on the quarantine question. New Orleans is undoubtedly responsible for this epidemic. We first hear of it there in July, and very soon after hearing of the first cases we hear of New Orleans refugees going in all directions. Some places immediately institute quarantine against that unfortunate city; others invite the refugees to accept of their hospitality. Very soon we hear of New Orleans refugees sickening and dying in various places that they have gone to. In a few days after we hear of an epidemic of yellow fever in these places, and always that the citizens first attacked were either in contact with the refugees or in the immediate neighborhood. Holly Springs, a beautiful and healthy village, invites refugees from infected districts. Now we hear of an epidemic of yellow fever there, and that the citizens are refugees themselves—at least those who are not sick. Mobile, Meridian, Selma, and Montgomery on this side, Galveston and Shreveport on the other side—all in the yellow fever zone—quarantined strictly, and thus far these places have escaped. It may be inhuman, but it would be hard to convince the people of these places of the fact. It is useless for some places to quarantine, for this germ, like other tropical plants, cannot live everywhere. It has to have peculiar surroundings, or it cannot be propagated at all. There are plenty of towns and cities in the United States where the germs could not live if carried

there. It would be useless for those places to quarantine. On the other hand, many other places only need the germ to be brought to them for the development of the disease. Now, if by close observation it can be determined what places are liable, and what are not, much of the hardship of inland quarantine will be removed; for refugees could go direct to those places that are not liable to infection. If our seaport cities do not keep yellow fever out, then of course the interior towns must protect themselves; and to do so effectually every person, and every other thing likely to hold a living germ, must be rigidly excluded. People who have to look upon their loved ones passing away like autumn-leaves falling in the forest must be excused if they can see no inhumanity in quarantine. The general government should be empowered to take charge of all quarantine regulations for our ports. If Congressmen had listened to common sense and reason last session, and passed the quarantine bill as originally introduced, this fearful visitation might in all probability have been avoided. But the effete idea of State rights so hampered their actions as to defeat the bill, and the people have the dear right left them of having yellow fever *ad libitum*. I am of opinion that yellow fever should never become epidemic in this country; but it must be kept out of our coast cities, and the general government is the only agency having means and power sufficient to do this with certainty. General Butler, if he never does any other good, certainly proved that yellow fever could be kept out of New Orleans by rigid quarantine. If it can be kept out of New Orleans, it can be excluded from all of our ports. Out of three hundred and forty-nine epidemics in the United States, the evidence is complete of its importation in two hundred and eighty of them; of the remaining sixty-nine, probably little effort was made at the time to trace the importation from foreign ports."

Dr. Weatherly is a member of the State Board of Health of Alabama and President of the Board of Health of Montgomery; member of the American Medical Association, and its first

Vice-President in 1871; member of the Medical Association of the State of Alabama, and its President in 1874; member of the Montgomery Medical and Surgical Society, and its President in 1869, 1870, and 1879; an honorary member of the California State Medical Society, and of the Gynæcological Society of Boston. He has contributed some valuable papers to the literature of the profession, among which may be mentioned an article on Glossitis, 1853; on Puerperal Convulsions, in which he advocates chloroform in place of bleeding as hitherto pursued, 1857; an operation for Polypoid Tumor of the Uterus, and Diabetes and its treatment, both published in the *New Orleans Journal of Medicine*; on the Opium Habit, published in the Transactions of the Alabama State Association; on Medical Education, a report as Chairman of the Committee of the American Medical Association; Woman, her Rights and Wrongs, an oration before the Medical Association of the State of Alabama; Hemorrhagic Malarial Fever, an address before the same body; an address before the Medical Association of the State of Alabama and the State Board of Health, 1875; Anatomy and Diseases of the Cervix Uteri; and Syphilis and its Prevention by State Action, both read before the State Association.

In Alabama—a State remarkable for distinguished medical men—Dr. Weatherly ranks among the foremost in his profession. On his first settlement in Montgomery he acquired, with unusual rapidity, a large and responsible practice, and his popularity has since steadily increased, possessing as he does in an eminent degree the rare faculty of winning the warm personal attachment of his patients, as well as their confidence in his ability. Endowed with a clear logical mind and strong convictions, he possesses the courage of his opinions, and has always taken a prominent part in all that tended to the advancement and elevation of his profession. He was one of the leading spirits in the reorganization of the State Medical Association, and has been active in shaping its policy; he has been its President, and is now one of its most influential members. He has also earnestly

promoted the success of the Montgomery Medical and Surgical Society, has filled its Presidential chair for three terms, and has taken part freely in its discussions. He was one of the three delegates from Montgomery to the first annual meeting of the American Medical Association at which Southern delegates attended after the close of the civil war, and the manly and conciliatory position he took on that occasion mainly contributed to the election of a Southern man to the Presidential chair, which was productive of such excellent results in restoring harmony and good will throughout the profession in all sections of the country. He wields a facile pen, and has contributed many important papers to the literature of his profession, his views on medical education and other cognate subjects having been received with much favor generally. He has displayed great energy in securing the passage of legislation establishing the State Board of Health, and took an active part in organizing the system of State medicine and the regulation of hygienic laws. Of refined and cultivated taste, and with social qualities of a high order, he is a great favorite in the highest circles in Montgomery, while his sterling qualities of head and heart have endeared him to a host of warm personal friends in all parts of the Union. He was married, September, 1852, to Miss Eliza G. Taliaferro, daughter of Colonel C. B. Taliaferro, nephew of ex-Governor Gilmer, of Georgia. He has six children, all sons; the eldest, Charles Taliaferro Weatherly, graduated at the Atlanta Medical College, and the second, James Meriwether Weatherly, is now a student at the Alabama State University at Tuscaloosa.

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G. W. WILLIAMS, ESQ.

SOUTH CAROLINA.

**G**EORGE WALTON WILLIAMS was born in Burke county, N. C., December 19th, 1820. The Williams family are of Welsh descent, having emigrated to America on account of religious persecution. In 1799 Edward Williams, an enter-

prising member of the family from Easton, Mass., came south and located near the headwaters of the Savannah river, where, having formed a partnership with Daniel Brown, a successful merchant, he soon afterwards married his daughter, Mary Brown, and, of their numerous children, George Walton Williams is the fourth and youngest son. In 1823 his father removed to Nacoochee Valley, Habersham county, Georgia, where he purchased a large tract of land, and here, in a region on the very borders of civilization and principally inhabited by Cherokee Indians, George's childhood and early youth were passed. His father was an excellent farmer, and through his exertions the fertile valley was soon brought into a high state of cultivation. The facilities for obtaining education were naturally very meagre at that time among the mountains of Georgia, but George made the best use of such as were afforded him. In order to encourage self-reliance and early habits of industry among his sons, his father, Major Williams, gave each of them a portion of land which he was to cultivate after the regular farm work for the day was done, and from the proceeds of which he was expected to furnish himself with pocket-money. George's tract embraced an Indian mound famous in the traditions of the red men as the spot where Nacoochee, the Indian maiden, was buried, and one year when the country suffered from protracted drought, and his crop was threatened with utter ruin, he carried water at night from the Chattahoochee river to irrigate his land, and so secured an abundant crop—a striking example of early habits of industry, energy, and perseverance. In his fourteenth year his mother died, and home in consequence losing much of its attraction, he determined, being of an adventurous spirit, to try a wider sphere for his pent-up energies. His father, being opposed to his leaving home, offered him no facilities for his departure; but nothing daunted, George set forth in October, 1838, for Augusta, one hundred and fifty miles distant, with a purse but scantily filled, and, with the help of his own strong limbs and an occasional





*Geo. W. Williams*



ride on a market wagon, arrived on the seventh day at his destination. He was fortunate in soon procuring a situation in Augusta with Mr. Daniel Hand, a shrewd wholesale grocer, receiving for the first year the nominal salary of fifty dollars. His business talents and energy and his unquestionable integrity soon gained him the confidence of his employer, and his salary was before long increased to a thousand dollars per annum. At the age of twenty-one he purchased the interest of one of his employers and became a partner in the firm of Hand & Williams. A considerable portion of the trade of the firm had hitherto been devoted to spirituous liquors, but, having been taught from his earliest years the pernicious influence of such a traffic, he prevailed upon his partner to abandon wholly this branch of their business. So far from losing by this bold step, the profits of the firm were actually larger at the close of the year by \$5,000 than those of the previous one. Mr. Williams remained in Augusta fourteen years, and pursued his mercantile career with such success that it was found expedient to enlarge the field of operations, and, having been for some years favorably impressed with the business capabilities of Charleston, visited that city in 1852 for the purpose of establishing a house upon strictly temperance principles. It was not long before the sales of the Augusta and Charleston houses increased from \$100,000 a year to \$1,500,000, and the profits from \$12,000 to \$100,000 per annum, the business becoming one of the largest commercial enterprises in the South. In Charleston, Mr. Williams' intelligence, energy, business capacity, and sterling integrity were soon appreciated, and he became an Alderman of the city, holding in the Council the responsible position of Chairman of the Committee of Ways and Means, a Director of the Bank of South Carolina, a Director in two railroad companies, and the financial adviser of a host of friends, besides being ever ready to engage in all public works and enterprises which looked to the prosperity of his adopted city and State.

At the outbreak of the war, in 1861, Mr.

Hand, the senior partner in the firm, who then resided in New York, retired from the firm; but the Confederate Congress having, in the meantime, passed an act confiscating the interest of persons residing in the North who might have funds invested in Southern houses, Mr. Hand's savings of a lifetime were in imminent danger of being swept away, and Mr. Williams' utmost energies were taxed to save a part, at least, of his friend's property. During the early part of the war Northern houses had furnished his firm with goods, knowing that there was no law in the Confederacy to enforce collections in their behalf, and trusting entirely to the honor of the firm for their security. To provide, therefore, for these debts he remitted the money to the Bank of Liverpool, and when the war terminated they were discharged in full, principal and interest, notwithstanding that he was told that the notes could be bought in New York at fifty cents on the dollar. In 1862, having been appointed by the State Legislature Chairman of the Free Market Board, and by the city of Charleston Manager of the Subsistence Store, he closed his business for the purpose of organizing these beneficent institutions for supplying the soldiers' families, and the poor of Charleston, with food, and through his untiring exertions thousands of the destitute and suffering were relieved daily during the entire war. The day the city fell into the hands of the Federal soldiers, he issued from his own private residence, the dining-room of which he had converted into a subsistence store, rations to some 10,000 persons of all colors and grades, and so great was the press that he was compelled to barricade the doors and distribute the provisions from the windows. Through his appeal to the retiring Confederate General, he obtained a requisition for the supplies which had previously been doomed to the flames. On the landing of the Federal troops Mr. Williams secured their services to aid in extinguishing the fires in various parts of the city, caused by the burning of the cotton and the gun-boats, and, at his solicitation, guards were placed over the warehouses and mills in which the provisions were

stored, and food enough was thus saved to feed 20,000 people for four months. It was not his intention at the close of the war to engage again in mercantile business, but to establish a bank; and in 1865 he proceeded to Washington for the purpose of procuring a charter for the First National Bank of Charleston; before this was accomplished, however, he was almost compelled by the solicitations of old friends and customers to return to his old business, and his was the first Southern house to resume operations after the war. He at once commenced the erection of large cotton warehouses in the "burnt district," stocking his extensive stores in Hayne street with merchandise, besides opening a banking house, and so was soon more fully immersed in business than at any former period of his life. Twenty-five partners have been associated with him in business during his long mercantile career, many of them having been brought up from the humblest office grade. Some have retired with fortunes, and a large number revolve around him daily, owning him as the head and hand which move the vast and complicated machinery of so many interests. On the 2d of May, 1874, the house of George W. Williams & Co. celebrated their thirty-second anniversary, and the inauguration of the Carolina Savings Bank—of which Mr. Williams is the President—which promises to have a career as wonderfully prosperous as that of every other business enterprise launched under his auspices. The name of George W. Williams & Co., long before the war, had become as familiar as household words in the commercial history of Charleston, and the history of the house is a record of spotless probity, indomitable energy, remarkable tact and success that has been as unvarying as it has been brilliant. On the occasion referred to, Mr. Williams delivered a stirring address, intended principally for the young men, in which he made the proud assertion that "in varied business transactions, amounting in the aggregate to more than one hundred million dollars, our house had never failed to meet, to the hour, every pecuniary obligation, whether written

or verbal." Addresses were also delivered by many of the leading professional and mercantile men of Charleston, and the entire entertainment, which lasted for five hours, was marked by the most elegant hospitality. The main establishment is in Hayne street, but the immense business of the firm requires the use of over a dozen large warehouses, and gives employment to a large clerical force, besides twenty drays and about one hundred colored laborers. The banking department of the firm increased so largely that in 1875 it was found necessary to secure larger premises, and accordingly, in May of that year, the handsome building, No. 1 Broad street, was purchased, and the banking house removed there, where, with increased facilities for the transaction of business, it continues its prosperous career. Mr. Williams' confidence in the future of Charleston is evidenced by his large investments in real estate, cotton presses, and wharves, and by his magnificent mansion lately erected in Meeting street, unquestionably the handsomest and most complete private residence in the South. During Mr. Williams' absence in Europe, he made careful examination of many of the finest residences, and decided on the style of houses in southern Italy as peculiarly adapted to the climate of South Carolina. The style is classic, the supporting columns and general ornamentation being of the Corinthian order. The main building, which is of South Carolina pressed brick, is three stories high, and contains twenty-four rooms. An observatory rises fifteen feet above the roof of the house, affording a magnificent view of Charleston, its beautiful harbor, Forts Sumter and Moultrie, and the distant ocean, Charleston claiming the honor of being the only city from which the Atlantic ocean can be seen. The octagonal vestibule is wainscoted from floor to ceiling with walnut, inlaid with white holly and ash, and elaborately frescoed, the floor being Mosaic laid with encaustic tiles in a dozen harmonious colors. The main hall, fourteen feet wide, is wainscoted with black walnut inlaid with white holly clover leaves, and the ceiling frescoed to represent the four

seasons. The drawing-room, which is entered through a pair of walnut sliding doors, is a magnificent apartment, wainscoted in cherry, elaborately carved and ornamented, with Corinthian pilasters of solid cherry, the ceiling decorated with frescoes and mouldings. The dining-room is wainscoted in solid oak, with Gothic solid oak columns and carved capitals, the mantel being one piece of solid oak, elaborately carved and ornamented with ebony; the ceiling is divided by oak beams into thirty-two divisions, each containing a plaster ornament representing plates of fruits surrounded by elaborate frescoes. The grand old English staircase is of massive black walnut, and overhead a beautiful vaulted canopy of black walnut and Hungarian ash. The music and picture-gallery is lighted by a skylight twenty-seven feet high, the dome enriched by ornamental panels and moulded and carved mullions, the wainscoting of walnut, inlaid with white holly, clover leaves and bird's-eye maple, and the floor inlaid parquetry of pine, cedar and walnut; the frescoing of the ceiling is rich and tasteful in the extreme. The ceilings throughout are constructed of a material composed of powdered stone, white sand, and lime in the place of plaster of paris, and presents a surface as smooth and bright as a mirror, a peculiarity of which is that in every room throughout the house the moulding is entirely different, yet at the same time equal in beauty. In the rear of the music hall are four wrought-iron tanks, holding 2,500 gallons of water; hot and cold water are laid on at every floor, with electric bells and speaking-tubes, and every modern convenience and luxury. The garden is tastefully laid out and beautifully kept, and a large circular conservatory, lit with gas, with glass walls and ceiling, fifty feet in diameter, is a prominent object in the grounds, behind which are the ample stables, coach-house and other outhouses.

Mr. Williams is now as actively engaged in business as at any former period of his life, superintending its various departments with the same activity and tireless energy, and his industry, perseverance, self-reliance, tact and in-

tegrity are strikingly evinced in all his transactions. He acts as it were by intuition, rarely stopping to reason, but reaching his conclusions by his first impulse; this is one of the secrets of his success: he loses no time in considering propositions, but decides at once what to do. He is in the best sense a self-made man, achieving wealth and position with but few of the adventitious aids of society; whose steady aim from the beginning, earnest prosecution of his purpose, unrelaxing and cheerful industry, native intelligence, pure character and stern integrity, seconded by a modest Christian faith and practice, are a noble example for the young men of the South to emulate. He has allowed himself few seasons of repose or recreation, but has found time to visit Cuba, Canada, all portions of the United States, and has made the tour of Europe twice, publishing a series of letters which would do credit to a more practised pen, showing him to possess keen observing faculties and excellent powers of description, which have been collected into a handsome volume for private circulation. Business cares have not impaired his finer sensibilities and literature; the fine arts and horticulture find in him a devoted disciple and patron.

Mr. Williams has married twice; first, in 1843, Louisa A. Wightman, sister of Bishop William M. Wightman, of the Methodist Episcopal Church; and second, in November, 1856, Martha Fort Porter, of Madison, Ga., a lady possessing rare qualities of heart, mind and person; they have two sons and two daughters. In the domestic circle Mr. Williams seems to change his nature; he is no longer the autocrat of the counting-room; he is simply the tender husband, affectionate father and kind friend, solicitous for the happiness of all around him; here he cultivates a natural taste for flowers, music and the fine arts. His house is as well regulated as his counting-room—order prevails. He spends his summer months in his charming mountain home in the lovely valley of Nacoochee, Ga., and there enjoys a respite from the corroding business cares, amid the scenes of his childhood and in sight of his old home, which nestles under

the cooling shadows of majestic Yonah. In this lovely section he has made large purchases of lands, and will make Nacoochee Valley and its surroundings as lovely to the eye and hand of art as it came to art beautiful from the hands of nature.

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HON. C. C. LANGDON.

ALABAMA.

**C**HARLES CARTER LANGDON was born, August 5th, 1805, at Southington, Conn. The Langdons are of English descent, four brothers of that name having come to this country in the latter half of the seventeenth century and settled in Connecticut; and from them are descended all the different branches of the family now scattered throughout the Union.

Captain Giles Langdon, the father of the subject of this sketch, took part in the latter portion of the Revolutionary war, being but sixteen years of age at its termination, and afterwards became a substantial Connecticut farmer, and was several times a member of the State Legislature. He married Sarah Carter, daughter of John Carter, farmer, of Southington, whose family is a very numerous one in Connecticut.

Charles C. Langdon was raised on his father's farm, and early developed a great taste for agricultural pursuits. He received his early education in one of the New England common schools, and then entered the Episcopal Academy at Cheshire, Conn., where he studied for two winters, working on the farm during the summer months. At fifteen years of age he commenced to prepare for college, but his weak eyes, which he had inherited from his mother, compelled him to abandon the idea. When sixteen years of age he commenced teaching in the district schools in the adjoining towns of New Britain and Southington, and continued during four winters, employing the rest of the year in farm duties.

In the fall of 1825, when twenty years of age, he left Connecticut for Alabama, under the care of his brother, Levi Langdon, eighteen years

his senior, who established a dry goods house in Marion, Perry county, Ala., and acted as his clerk until 1829, when he became a partner in the firm. He was a candidate for the Legislature from Perry county both in 1832 and 1833, taking the stump as a strong supporter of the Union against the nullifiers. Exceedingly animated contests ensued in both years, but his ticket was in each case defeated, though by very small majorities. In 1834 he went to Mobile and engaged in the cotton commission business with the Hon. Martin A. Lee, under the firm of Lee & Langdon, and continued a prosperous career until the financial crisis of 1836-37 compelled them, in company with the greater part of the commercial houses in Mobile, to close their doors. This failure swept away the whole of his property.

In the spring of 1838 he was nominated for the Legislature by the first Whig convention that ever assembled in the State, and, although defeated, gained such reputation that his party purchased the *Mobile Daily Advertiser* in October of that year, and installed him as Editor. In the following year he was elected to the Legislature, then holding its sessions in Tuscaloosa, and was re-elected in 1840. In 1848 he was elected Mayor of Mobile, and, with the exception of one year, was re-elected annually to that office until 1855. The compromise measures of 1850 stirred the South to its utmost depths, and he was indefatigable both with voice and pen in advocating the Union cause against the doctrine of extreme Southern rights. In 1851 he was a candidate for Congress on this platform, then the living issue before the country, his opponent being Judge John Bragg; one of the most exciting contests ever known in the South followed, but Mr. Langdon was defeated on that issue by some 1,700 majority. In 1853 he disposed of the *Advertiser*, having for fifteen years edited it with remarkable ability and judgment, during the whole of the great controversy between the Whigs and the Democrats, advocating the views of Clay, Webster, and the leaders of the Whig party, maintaining the inviolability of the Union and opposing secession with all the

power of his vigorous pen. He was again elected to the State Legislature for the session of 1855-56. After retiring from the *Advertiser* he bought a farm in the country, twenty-nine miles from Mobile, on the Mobile and Ohio Railroad, to follow his favorite pursuits of agriculture and horticulture, determining never to engage in politics again. During the period between 1852 and 1860, however, he wrote a good deal for that paper; and in 1860, at the request of the Whig party, took charge of the political department of the *Advertiser* during the whole of that memorable and excited campaign. In 1860 he took the stump in support of the Bell and Everett ticket for the Presidency, making hundreds of speeches all over the State on the Union-Whig platform. Becoming disgusted, however, with the overbearing spirit displayed by the North, and recognizing that the election of Abraham Lincoln on a purely sectional issue had rendered a rupture inevitable, he espoused the Confederate cause, as soon as the blow was struck, with all the ardor of his nature, and exerted his utmost energies towards its success. During the war he wrote largely for the *Mobile Register*, discussing the financial question and other important issues of the day, and was untiring in his efforts to sustain the Confederate Government, its credit and the cause until the close of the war.

In 1862-63 he represented Mobile in the State Legislature. In 1865 he was a delegate to the Constitutional Convention under President Johnson's plan of reconstruction, and was a member of the committee that drafted the constitution. After the convention adjourned an election was held, and without the slightest exertion on his part he was elected to Congress over Major S. B. Cleveland and Mr. T. M. Mathews, receiving double the number of votes polled by the two combined. He went to Washington with the rest of the delegation, but was not allowed to take his seat. He spent the winter there waiting the turn of events, all the delegates having left with the exception of Randall Hunt, of Louisiana, Judge Sharkey, of Mississippi, and himself. President Johnson was

anxious that some Southern representatives should stay in Washington, so that they might keep the President advised of the views and feelings of the South, and by express desire he visited the White House almost daily, although the course taken by the party in power rendered it impossible for him to accomplish any result. Before leaving the capital he published in the *National Intelligencer* an exhaustive vindication of the action taken by the South, and its intention to accept the situation in good faith. After spending the winter fruitlessly in Washington he returned to Mobile, and in 1866 was a delegate to the "Johnson" Convention, held in Philadelphia, which, however, proved a failure. From there he went to New York, and spoke, by invitation, at Brooklyn.

In 1868 he was a delegate to the National Democratic Convention, held at New York, which nominated Seymour and Blair, and was subsequently appointed by the Democratic Committee at Mobile to deliver a series of speeches in the principal cities of the North and West, showing that the South was true to the Union and accepted the situation in good faith, and vindicating its fidelity and sincerity of purpose. He visited Chicago, Cincinnati and New York, making a few speeches, but the Northern Democrats thought the plan impolitic and it was abandoned, and he returned to Mobile. From that time he has been largely engaged in agriculture and horticulture, for which he always had a strong predilection, and has used his best endeavors to introduce into his section a more scientific system of agriculture than used to obtain, and one better adapted to the changed condition of the South and the present wants of its people.

In 1872 he was a candidate before the Democratic Convention for Governor, but Colonel Herndon obtained the nomination, and in the election which followed, Judge D. P. Lewis, the Republican nominee, was elected. For several years after the war he was the Agricultural Editor of the *Mobile Register*, from which he retired in 1872 to establish the *Rural Alabamian*, a Southern magazine of progressive agriculture

and improved industry. He was editor of this periodical during 1872 and 1873, contributing largely to its columns from his own long and varied experience. In 1874 he was a candidate for Congress, for the State at large, before the Democratic Convention, the other candidates being B. B. Lewis, General Forney and Colonel Barnes. Lewis was first nominated, while for the second nomination a prolonged struggle ensued between the other three candidates, in which, for several ballots, Mr. Langdon received a clear majority, but failing to receive the requisite two-thirds the Convention finally nominated General Forney. In 1875 he was a delegate to the Constitutional Convention which adopted the present Constitution of Alabama, in which he was Chairman of the Committee on Corporations. In the fall of 1877 he delivered an address at Lindon, Marengo county.

In 1878 his name was presented for Governor of Alabama; he made no canvass, and took no part in the campaign, never even writing a letter; the contest, however, was a very close one, and the present incumbent, R. W. Cobb, was nominated by a small majority only. Mr. Langdon then withdrew and afterwards entered heartily into the support of the nominee.

Mr. Langdon has been President of the Agricultural, Mechanical and Horticultural Association of Mobile since its organization in 1873, and has taken an active part in progressive agriculture and industrial advancement. Although the association is a local one, the whole State takes deep interest in its success, and visitors attend its fairs from all parts of Alabama and the adjoining States, and it is rapidly becoming a very important institution.

He has been repeatedly called upon to deliver addresses before different Agricultural Colleges, and at the various agricultural fairs in Alabama and Mississippi. He has among many others delivered addresses before the Agricultural College at Starksville, Miss.; the Agricultural and Mechanical College, at Auburn, Ala.; and the Agricultural Fairs, at Eutaw, Selma, Eufaula, Camden and Linden, Ala. As an ex-

ample of Mr. Langdon's intimate and practical acquaintance with the agricultural requirements of the South, we make the following extracts from an admirable address on the "Wants of Southern Agriculture," delivered by him at the Fair Grounds of the Agricultural and Mechanical Association of West Alabama, at Eutaw, Ala., in October, 1872. The well-matured opinions and common-sense propositions enunciated therein, have in the main as practical a bearing on the material interests of his section at the present time, as they had at the time they were delivered:

"While I am not insensible to the importance of extending all encouragement to other useful industries, yet as agriculture is the universally acknowledged basis of individual and national prosperity, I maintain that in our present prostrate condition, the interests of agriculture claim the first consideration at our hands. Agriculture was the first employment of man upon earth. Other industries sprung into life in obedience to the demands of agriculture, and have ever been subservient to its purposes and dependent upon it for their existence. Manufactures, commerce and the arts are but the handmaids of agriculture. Manufactures can but modify the products of husbandry, commerce but distribute and exchange them for our convenience and gratification; but it is from the soil, through the medium of agricultural operations, that man procures subsistence for himself, as well as for those animals so necessary to an advanced state of civilization. Therefore, with these facts in view, can we not say in truth that this pursuit lies not only at the basis of our prosperity as a nation but moreover at the very foundation of our existence? As such, then, it is the starting-point, the constant reliance and the unending source of a nation's wealth. By its progress from the earliest times to the present, it furnishes the history of the advancement of mankind from the savage to the civilized state. As it has been nourished and encouraged nations have flourished; as it has been neglected and oppressed they have fallen. Of this alone can it be said 'that in peace it



found nations, in war it supports them.' . . . The people of the South, at the close of the war, found themselves bereft of everything except their lands. Their millions of property in slaves destroyed; their horses, mules and household treasures stolen; their homes, fences and implements of husbandry consumed by flames, and the whole face of the earth reduced to desolation—without money, and in many instances without bread, their condition would have been hopeless indeed but for their lands, of which the war demon could not deprive them. And, better still, they had left to them strong hands to work their lands and stout hearts to strengthen their hands. And thus provided, with head erect and soul unsubdued, they went bravely to work for their own support and for the restoration of a ruined country. The lands of the South, through the agency of which these results were to be accomplished, had been in constant cultivation in cotton and corn for thirty, forty or fifty years, and had, in a measure, ceased to be productive. This was especially the case in this and the older States of the South. But these lands were the only resource left to our people. They had not the means to purchase new lands nor to emigrate, nor to hire labor. And in this very condition of helplessness originated that system of improved culture which is destined to regenerate the South. In cultivating this exhausted soil, it became necessary to economize labor and produce the largest possible crops on the smallest possible area of land and with the least possible labor. This again suggested the necessity of abandoning the former slave labor system of scratching over a large area of land to make, at best, but a small crop, and of adopting in its stead deep plowing and high culture. And the progress that has been made since the inauguration of this system has been most wonderful. Under its influence, the advancement of Southern prosperity, even under the blighting effects of cruel legislation, military and carpet-bag rule, has no parallel in the history of the world. These results have incited inquiry and study and thought, as to the best means of still further improving

our lands, with the view of producing still larger crops on still less land and with still less labor. And here is the key-note to Southern regeneration, Southern independence and Southern greatness. . . . The first great want of Southern agriculture is a system of culture that will restore the fertility of our worn-out lands—a system that will increase the production of the soil and at the same time increase its productive capacity. . . . It is an undeniable truth that our system of planting in the past has exhausted the soil of most of the essential elements on which crops feed, on even the best lands of the South. There are thousands of acres in what is termed the 'cotton belt' in this State (Alabama), extending from the counties of Barbour and Russell, on the east, to Sumter on the west, including the counties of Macon, Montgomery, Lowndes, Dallas, Perry, Wilcox, Marengo, Hale and Greene, with soils originally of matchless fertility, that have been cultivated continuously in cotton and corn from thirty to fifty years. The plowing—or rather *scratching*, for it cannot be called *plowing*—has been done by a single mule attached to the rude old barshear plow and wooden mold-board, that could not be made to penetrate the soil to a greater depth than three or four inches, the crop taken off, the cotton hauled to the gin-house and ginned, the lint sent to market, and the seed—that all-important element of fertility—left in a huge pile near the gin-house to rot and 'waste its sweetness on the desert air'—and nothing ever returned to the soil. Such has been the process. These lands in their primitive state were the best cotton-lands in the world, producing, I imagine, on an average, at least a bale of cotton to the acre; but this perpetual cropping with the same crop for half a century—constantly drawing from the soil and returning nothing to it—has exhausted it of all the essential elements which enter into the composition of the plant, and the lands are now comparatively worn out—producing, I suppose, about one bale to four or five acres. And although we have instances, I am gratified to know, of the adoption of an improved system of culture,

by which much larger crops are produced, yet I think that even now the average production of cotton in the South does not exceed the amount I have named. And I am confirmed in this view by a report recently published of the products of Mississippi for the year 1871, which shows the following results:—out of sixty-eight counties the average yield in three was 450 pounds of lint cotton per acre; in three, 400 pounds; in nine, 250; in ten, 200; while in the remaining forty counties it was from 175 down to less than 100 pounds to the acre. The average yield of corn throughout the State was fifteen bushels to the acre, oats the same, and wheat only nine bushels. And I imagine that of the cotton States, Mississippi is more than an average in point of productiveness. Now it is very evident that this kind of farming, under our present hired labor system, will not pay. We cannot afford to hire labor to cultivate poor land. It may have been tolerated under our former slave system, when labor was cheap, costing nothing more than the food and clothing; but in the present condition of the South a different system must be adopted—a system that will bring us larger crops on less land, and with less labor—a system that will make twenty acres yield as much as a hundred do now. The saving in labor alone would doubly compensate for all the extra expense attending high cultivation; and besides the land would be constantly improving. Instead of cultivating five acres for one bale of cotton, we must so enrich and so cultivate the soil that the same amount will be produced from one acre. Three, four, and even five bales have been made to the acre, and we have the right to assume that what has been done once can be done again. Instead of ten to fifteen bushels of corn we should make fifty, seventy-five, or a hundred bushels to the acre. *Two* hundred bushels have been produced here in the South. How have these results been accomplished? By the simplest process imaginable, to wit: *deep plowing, thorough pulverization of the soil, and heavy manuring*. . . I venture the assertion that in good fertile soil that has been thoroughly and

closely plowed, and the ground completely pulverized to the depth of two feet, the crop will not suffer from any drouth we ever have in this climate. In a soil thus prepared, the roots not only descend without obstruction to a depth sufficient to be beyond the reach of the burning atmosphere, but the moisture from below is raised to the roots by capillary attraction in time of drouth, while in seasons of too much rain the water is made to sink below the roots by the attraction of gravitation. . . . Every year we hear of complaints of injury or destruction of crops by drouth.

“It is time for the intelligent farmers of the South to understand that all this is the result of a defective system of culture, and that it is entirely within their power to guard against any such calamity. Examples are numerous of the entire success of the system, and it is founded in reason and sound philosophy. . . . Diversity of products is one of the most pressing wants of Southern agriculture. The experience of the last six years, it appears to me, ought to have convinced every planter that the practice of planting only cotton was very bad policy, and ought to be abandoned. The system of labor which brought the all-cotton policy into existence, and by which alone it could be made profitable, has been overthrown; but still *all-cotton* is the ruling passion with a large portion of Southern planters, notwithstanding the failure of all attempts to make it profitable, on poor lands, with hired labor. With some honorable exceptions, the policy is persisted in, and year after year the entire proceeds of the crop are spent in the purchase of the necessaries of life and in paying for hired labor. Of the \$300,000,000 cotton crop, it is estimated \$295,000,000 goes to hired laborers, Western farmers, Northern and European manufacturers, merchants, bankers and middle men, leaving only \$5,000,000 to be distributed among the producers. Surely a system so utterly ruinous should not be persisted in for a single moment—especially when another system which will certainly save this vast expenditure, and is entirely practicable, is presented. That system is;

diversity of farm products. Instead of growing all cotton, we must raise more corn, wheat and oats; cease buying breadstuffs for family use and grain to feed our stock. We must cultivate clover and the grasses, and raise our own horses, mules, cattle, sheep and hogs. Plant orchards and vineyards, and grow our own fruits and make our own wine. In short, plant of everything needed for home consumption, in the greatest abundance, and some to spare, and then plant all the cotton possible. The cotton crop will then be all profit, and if the system of high culture, which I have recommended, be adopted, as much cotton will be produced as now, besides growing all the necessaries of life. The true policy is to make the land very rich; cultivate no more than you can cultivate well, and manure heavily; make enough, and some little surplus for market, of all the necessaries of life, and then *grow all you can of cotton*. But more important than all—work yourself and teach your boys to work, and dispense with hired labor as far as possible. . . . Southern agriculture wants *intelligent labor*—not degraded labor drawn from the purlieus and prisons of Europe, nor barbarian labor from Asia; but honest, sturdy and intelligent white labor, that will permanently identify itself with the country, that will help to develop its vast treasures, increase its wealth, and promote its moral, social, political and intellectual greatness. Above all, it wants the labor of our own people. It demands that labor be made respectable, honorable and attractive, that the youth of our country be educated to know and feel that honest labor not only ensures happiness, contentment, independence and prosperity, but that it is the surest passport to honorable distinction and fame. It also wants *educated farmers*—men capable of bringing science to the aid of practical experience in all farming operations. It has been truly said: 'Knowledge is not only a substitute for manual toil on the plantation, but a substitute that elevates and ennobles man. Without science agriculture is a slavish calling; but with science the farmer is independent and happy, for he keeps out of debt, and lives and shines among the stars.' An entire and radical change in the educational system of the South is imperatively demanded—a change which will recognize the necessity of educating our sons for the farm as well as for the learned professions. And hence, the importance of sustaining and building up our agricultural colleges and other institutions that have for their object the education of our youth for a successful prosecution of the noble and ennobling pursuit of agriculture. Another want is *agricultural legislation*—legislation with a view not only to the advancement of the great cause of agriculture, but especially to protect the farming interest from the monstrous legislative impositions practised upon it, through the corrupt influences of railroad and other 'rings' in the halls of Congress and of the State Legislatures. I have not time to specify the numerous subjects connected with the interests of the farmer that demand the attention of our law-makers. Suffice it now to say, that every other interest receives the fostering care and protection of the government, while the great farming interest—numbering two-thirds of our entire population—is recognized only to 'foot the bills.' But the remedy, farmers of the South, is in your hands. You have the numbers to control the legislation of the country, and your power shall be exercised for the protection of yourselves and your great calling. Elect more farmers, and fewer lawyers, merchants and railroad men to make the laws. Combination with a view to energetic and concerted action is another want. We want more agricultural societies and clubs, where farmers can meet together, interchange views, compare notes, relate experience, report experiments, etc. No more efficient agents can be devised for the advancement of Southern agriculture. Every county should have its agricultural society, and every neighborhood its agricultural club. And finally, *live men* are wanted—thinking men—men of energy, intelligence and vim, to take the lead in the great work of *practical* agricultural improvement; to show what can be done, and by their example induce others to 'go and do likewise'—live

men are wanted to go forth among the people and arouse them to the vital importance of building up the great agricultural interest of the South, and impress on their minds a sense of the beauty and dignity of their noble calling. . . . Let a system of agriculture be perfected that will cause the soil to produce to its utmost capacity, and the foundation will have been laid for permanent prosperity. Then will manufactures and commerce—the handmaids of agriculture—and all other useful industries spring into existence, and moving forward harmoniously together, each aiding and sustaining the other, there will be built up, here in our dear Southern land, the richest, noblest and greatest country, and the happiest, most independent and prosperous people on which the sun ever shone.”

At a meeting of the Industrial Convention of Alabama, held at Blount Springs, Ala., Sept. 6th, 1877, Mr. Langdon read a paper on the “Adaptation of the Climate and Soil of Alabama to Fruit Culture.” In giving the result of his long experience on an industry that is destined at no distant day to become a most important one in Alabama, he said:

“I may be permitted to express my firm conviction, founded on over twenty years of active experience, and a lifetime (by no means short) of observation, study and thought, that there is no State in the Union, and no country in the world, where the climate and soil are more perfectly adapted to fruit culture generally, than here in our own State of Alabama; none where all the leading fruits of a temperate climate can be grown with more certainty, or to greater perfection; that the apple, peach, pear, grape and many other fruits of minor importance, can be grown here as successfully as in the Northern States; while we have the advantage of that section in being able to produce to perfection several varieties and species of great value that fail entirely in more northern latitudes. Among these may be mentioned as specially prominent, our famous scuppernong grape—destined, at no distant day, to be ‘a mine of wealth’ to the South—and several of the semi-tropical fruits, among which may be specially mentioned the

Fig and the Orange—the former being perfectly at home throughout the entire southern half of our State, and the latter finding a congenial climate and soil all along the shores of our beautiful Gulf. With these exclusive privileges and these advantages over other sections of our country, fruit culture ought and might be made to be one of the leading industries of Alabama. And I feel assured there is no single industry that can be prosecuted to greater advantage or with more certainty of success; none that, compared with the results susceptible of attainment, requires so little labor and so little capital; none capable of yielding so large a percentage of profit on the capital invested.” After pointing out some of the most prominent errors, practical and theoretical, connected with the culture of fruit, such as that of selecting poor land for the orchard; the failure to give the orchard proper and unremitting attention, both before and after planting; omitting to take proper and timely measures against the attacks of insects, etc., he proceeds to discuss the uses and commercial value of a few of the leading fruits. “Although the *apple* cannot perhaps be made so profitable for shipment as some other fruits, still there is no fruit of greater intrinsic value. As an article of food, it is the most nutritious of all fruits, and much more so than the Irish potato, which enters so largely into the food consumption of this and other countries. The varieties of apples grown in the North and West always fail in the South, but if Southern seedlings, of which there is an abundance, equal in quality to any of the Northern kinds, are planted, apples in perfection can be had the year round. By a strict observance of the necessary rules and precautions, apples can be grown as successfully in Alabama as in any other State in the Union. Thousands of dollars a year are at present sent out of the State for this fruit which can be produced there as abundantly and cheaply as in any country in the world. The *peach* is nowhere on the earth more perfectly at home than in Alabama, and peach-growing is destined soon to become one of the most important industries in that State. It ripens a

month or six weeks earlier than in the West or North, and consequently finds a ready and profitable market in the principal cities. Shipment of peaches can commence the last week in May, and be continued, with different varieties in succession, to the middle of July. One fruit-grower in Mobile county, Ala., in the season of 1877, shipped to St. Louis alone, between the last of May and the 20th of July, some 6,000 boxes of peaches, on which he realized in cash, after deducting all transportation charges and commissions, a clear profit of \$5,000. Of the *pear* there are few varieties, comparatively, that succeed in Alabama, but those that do succeed are superior in every respect to the same varieties grown in the North. The fruit is larger, higher flavored, and of deeper and more brilliant colors. By planting only such varieties as have been tested and known to succeed, the pear is the most certain fruit crop that can be grown in Alabama—being less subject to insect attack, and less liable to injury by spring frosts. The Bartlett pear, among the noblest varieties of the fruit, succeeds to perfection throughout the State. It can be grown and shipped to the North a month in advance of its time of ripening there, and can be sold in any quantities at a handsome profit. The *fig* can be grown in any quantity and to the greatest perfection throughout Southern Alabama. The *plum*, of improved varieties of the native Chickasaw type, succeeds admirably. The *oranges* grown on the Gulf coast of Alabama are admitted to be amongst the finest in the world, fully equal to those grown in the most favored region of Florida, and far superior to those from Cuba or Sicily. The crop seldom fails, the yield is wonderful, and always finds a ready sale at good prices." Mr. Langdon concludes his paper with a stirring appeal to the sons of Alabama to GO TO WORK earnestly and with a will, and aid in bringing forth and utilizing the vast resources which the God of Nature has placed at their command.

Mr. Langdon is a Trustee of the Agricultural and Mechanical College at Auburn, Ala. He was married in August, 1829, to Eliza Moore, daughter of Roswell Moore, a wealthy farmer of

high character and prominent position in Southington, Conn., who represented Southington in the State Legislature for many years. He has had five children, all of whom are now dead. A son, named C. C. Langdon after his father, who lived to be twenty-eight years of age, died, since the war, of consumption, acquired from exposure during his service in the Confederate army.

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JOHN S. DAVIDSON, ESQ.

GEORGIA.

**J**OHN SHELTON DAVIDSON was born at Augusta, Ga., June 17th, 1846, and is the son of William Dean Davidson, merchant, of Augusta, and Eleanor P. Treat, daughter of Isaac Treat, of Connecticut. It is somewhat remarkable that both on his father's and mother's side he traces his ancestry back to Governor Robert Treat, of Connecticut, whose family, of Scotch-Irish extraction, came over to America about 1636 and settled first in Vermont and afterwards in Milford, Conn. Governor Treat was a man of remarkable ability, and took a prominent part in the early affairs of the colonies. He was at first a planter, and afterwards became, successively, Chief Military Officer, Judge, Deputy-Governor, and Governor, and was peculiarly fitted by his birth and connections for the discharge of those important trusts. His father having been for many years an honored member of the Connecticut Colony, and a patentee at the especial request of Connecticut on the new charter, Robert Treat had many opportunities of acquiring a knowledge of the wants and necessities of the people. In the controversies between the two colonies of Connecticut and New Haven, which finally resulted in their union, he rendered important services. Hearing that New Jersey offered facilities for establishing their peculiar form of mixed ecclesiastical and political government, he journeyed, with a few others, to that State in 1666 and selected as a site for a town that which Newark now occupies. Having successfully concluded its pur-

chase from the Indians, he was offered his choice in the selection of his land. He was elected to the General Assembly, or Colonial Legislature, from Newark from 1667 to 1672, and then returned to Connecticut, leaving several of his children in Newark, from one of whom Isaac Treat, the maternal grandfather of John S. Davidson, was descended, and from another, by intermarriage, William Davidson, his paternal grandfather. On Robert Treat's return to Connecticut he was chosen to command the forces of the New Haven colony in anticipation of a conflict with the Dutch; the peace of 1673, however, removed that apprehension. In 1675 he was employed in reconciling the disputes in which Sir Edmund Andross was involved; and from 1670 to 1700 there was scarcely an estate of consequence in Milford, Conn., which was settled without reference to him. In September, 1675, he was commissioned Commander-in-Chief of the Connecticut troops in the Indian war with King Philip; he saved the town of Springfield, Mass., from utter destruction, and, by his defeat of the Indians, put a stop to the war for a time. A short time, subsequently, by a hurried march with his forces, he turned the defeat of Hadley into a victory, and inflicted such loss on the Indians as practically to end the war in that part of the country. In the war in Rhode Island with the Narragansetts, Major Treat, by his gallantry and forethought, captured the fort, and afterwards continued to render efficient service until the Indians were finally defeated. At the close of this war he was elected Deputy-Governor, holding that office for seven succeeding years, and serving also as Judge, and mediator with the Indians, to whom he was sent several times as Commissioner. In April, 1683, he was elected Governor on the death of William Leet, and, after settling a boundary line dispute with Rhode Island, turned his attention to Governor Andross, of New York, who, under authority of the Duke of York, afterwards King James the Second of England, claimed jurisdiction over a portion of Connecticut. At that time many

enemies of the colonies, who were bitterly opposed to their claims to self-government, were using their best endeavors to injure them, and a petition was drawn up and forwarded to King Charles the Second in refutation of the calumnies that had been circulated against the colonies, charging them with harboring criminals and fugitives from justice. About this time Governor Dougans succeeded Governor Andross in New York, and Governor Treat was appointed one of the Commissioners to settle the disputed questions with the new Governor. Upon the accession of King James the Second, a petition was also addressed to him asking for clemency, justice, and liberty. James the Second determined to unite New England under one government, and to annex Connecticut to New York; writs of *quo warranto* against the colonies were placed in the hands of Edwin Randolph, the King's legate, who threatened to serve them unless the colonies agreed to submit to the wishes of the King for their consolidation. Governor Treat despatched an evasive answer to the legate, and, in the meantime, sent an agent to England, specifying the rights of the colonies and urging that the writ had been obtained by misrepresentation; but, before the agent could reach his destination, a third writ was issued. When Randolph received it, both he and the Governor of New York, who was to acquire the territory, informed Governor Treat that there was still time for him to acquiesce in the decision of the King and surrender the charter of the colony. He refused, however, to submit, and made preparations to preserve his position, saying that they were still loyal subjects of the King and had done nothing to forfeit their charter, and that, therefore, he could not and would not surrender it. In October, 1687, Sir Edmund Andross, who was then Governor of Boston, wrote Governor Treat that he had received orders for the annexation of Connecticut to his government, "with particular regard and favor to Governor Treat," and that he should shortly visit Hartford to receive the charter. On the 31st of October Governor Andross assumed charge of the government and demanded the charter. A plan for the preservation of the

charter had been premeditated: Andross, taking his seat in the Governor's chair, demanded the charter, and, after various delays and objections, the Assembly was compelled to produce it, and it was laid before Governor Treat, who rehearsed at great length the time, trouble, toil, and expense it had taken to build up the colony. Afternoon and evening had been consumed in his harangue, when suddenly the lights were extinguished by a rush from without, and the charter was seized and carried away to be deposited in the since famous Charter Oak; and thus Governor Treat's object of saving the charter was successfully accomplished. Governor Andross controlled the government of the colony until the flight of King James in 1688, when he was deposed and Robert Treat again became Governor, holding that office for ten consecutive years.

On the accession of William and Mary a decision was obtained in favor of the validity of the charter, and the wisdom and sagacity displayed by Governor Treat in its preservation vindicated. When Treat had reached his seventy-sixth year, Winthrop was chosen Governor, but, in order that Treat's services might be still available to the public, though in a less onerous position than that of Governor, he was chosen Lieutenant-Governor, and held that office until his eighty-sixth year, when he resigned and retired finally from public life. He was an excellent military officer, and a man of singular courage and resolution tempered with caution and prudence. His administration as Governor was distinguished by wisdom, firmness, and integrity. He had spent twenty years in the halls of the Legislature; seventeen years in the chair of Deputy-Governor; thirteen years in that of Governor, retaining that office longer than any of his successors; while his incumbency of thirty years of the two offices has not been equalled in any State in which those offices are elective. Says Allister, "His quick sensibilities, his playful humor, his political wisdom, his firmness in the midst of danger, and his deep piety have still a traditionary fame in the neighborhood." He died, July 12th, 1710, and his

tomb still stands in the cemetery of Milford, Conn., bearing this inscription: "Here lyeth interred the body of Colonel Robert Treat, Esquire, who faithfully served this colony in the post of Governor near ye space of thirty years, and at the age of four score and eight years exchanged this life for a better. July 12, 1710."

The chair in which he was inaugurated Governor for a long number of years is still in the possession of the uncle of the subject of this sketch. Robert Treat Paine, one of the signers of the Declaration of Independence, was the grandson of Governor Treat's son Samuel. Numbers of his descendants are to be found in New England at the present day, and others are settled in North Carolina, Tennessee, and many of the Western States. Atwater Treat, one of his descendants, the well-known architect of the Peabody Institute, New Haven, and the Theological Seminary, Yale College, is an uncle of John S. Davidson, and another of Governor Treat's descendants. Mrs. Wilson Booth, of New Haven, is an aunt.

William Dean Davidson, father of John S. Davidson, settled in Augusta about 1825, where he entered into business with his brother, John Shelton Davidson, after whom the subject of this sketch was named. On the death of his brother, which occurred shortly afterwards, he established himself in business on his own account, and, with the exception of a short period spent in Rome, Ga., passed all his life in Augusta.

John S. Davidson received his education at the schools in Augusta, Ga., and New Haven, Conn. His father's intention had been to send him to Yale College, but this was frustrated by the outbreak of the war between the States. While at the Summerville Academy, he had the benefit of the instruction of Mr. S. W. Hatch, an accomplished preceptor of that day. In 1861 he was sent to the Auburn Institute in middle Georgia, an excellent institution of which Mr. Hatch was the principal, where he went through a regular collegiate course, and, in addition to the regular curriculum, received a course of

private instruction. Having finished his studies, he was returning home when he met with a serious and distressing accident on the way. He was riding a restive horse, which ran away and threw him from the saddle, and, his foot catching in the stirrup, he was dragged some distance along the ground, breaking two bones and sustaining a compound fracture of the leg. From this unfortunate accident he was laid up for twelve months, and was unable to walk without the aid of crutches for a number of years. He commenced the study of the law in 1863, under Major George S. Barnes, and completed his legal course under Henry W. Hilliard, the present United States Minister to Brazil, and formerly a member of Congress, and Minister to Belgium. During this period he went as a volunteer in charge of a small company to the coast, but, being unable to dispense with the use of crutches, was sent home again on the ground of incapacity. His legal studies occupied some two years, and, in 1865, when only nineteen years of age, he was admitted to the bar after a highly creditable and satisfactory examination. He entered at once upon the practice of his profession in Augusta, Ga., in association with Mr. H. W. Hilliard, and, after some eighteen months, established an office of his own. In 1876 he admitted his brother, William T. Davidson, as a partner, and is now engaged in a large and lucrative practice in the State Courts of Georgia and the District Courts of the United States. He was for many years associated with James R. Randall, editor-in-chief in the conduct of the *Constitutionalist*, one of the leading Democratic newspapers of Georgia, pursuing at the same time the practice of his profession. During this period the vital questions arising out of the war—the supremacy of the white race, local self-government, etc.—were pressing for solution in all the Southern States, and demanding all the energies of the ablest minds in the South for their settlement. After several years of such incessant toil and prolonged strain on the mental faculties as is only known to the conductors of the daily press, in addition to his professional duties, his health became seriously impaired,

and he determined, in 1871, to make an extended tour through the Western States. Having arranged to combine business as a travelling correspondent for the *Constitutionalist* with his search for health, he started in the summer of 1871, his route being through Chattanooga, St. Louis, Kansas City, Denver, Cheyenne, Ogden to Salt Lake City. Between Kansas City and Denver, in a very severe circular storm, he met with an accident, the storm having washed the track away and caused the train to run into a hollow. Many passengers were injured, Mr. Davidson being stunned by striking his head against the berth in the sleeping-car. He made the journey by easy stages, hunting buffalo and antelope, and living for a short time on the plains where numbers of Indians were met with. Arrived at Salt Lake City, he was provided with letters of introduction from Hon. Alfred Cumming, the former Governor of Utah Territory, which gave him the entree and proved the open sesame to the highest circles of Mormondom. Governor Alfred Cumming was held in high estimation by the Mormons; they considered him thoroughly honest and able in his administration of the government, and the only man who ever did them justice; he never tried to make money out of them, and did his duty without fear or favor, at a time when it was more difficult than it has ever been since. Mr. Davidson became on intimate terms with Brigham Young, D. S. Wells and Smith, the triumvirate who constituted the Presidency, George Q. Cannon, the editor-in-chief of the *Deseret Evening News*, and a large number of the leading men. He stayed there two weeks, and made himself thoroughly acquainted with their institutions. In one of his letters to the *Constitutionalist*, he says:

“That they are a most wonderful people in their enterprise, zeal, and devotion to the interests of their church no one who comes here and sees them as they really are, can gainsay, and that they have overcome more obstacles of nature and men than any people of this country, I believe a personal knowledge of them would compel every one to admit. They came here in



1847, under the lead of Brigham Young, numbering 143 persons, and began building Salt Lake City, with 400 population. They have to-day 150,000 people, who confess their faith, beautiful cities, an excellent local and territorial government, a full treasury, and no debt. I have yet to see one of them ragged or begging bread. The city is divided into twenty wards or squares. In each of these wards is a bishop, who has the charge of its people, and there are also a number of teachers, as they are called, to whom matters are first referred before they are to the Bishop. They dissuade the people from resorting to law, and when any of them have a difficulty or misunderstanding the matter is referred to the teacher. If his decision does not suit, then to the Bishop; then, if further steps are required by either party, it goes to the High Council composed of elders and apostles, and finally to the Presidency, whose decision is that of a Supreme Court. All their proceedings are free—cost nothing to either party—and I have been told that much care is given to the investigation of all subjects presented, and the decisions are almost universally acquiesced in by those concerned. If not, however, the one refusing is cut off from the church here and hereafter, and all Mormons refuse to recognize or associate with him. The practice of law among the Mormons is said to starve a man to death in about a week. The whole church government is supported by what is called tithing, that is, every Mormon gives one-tenth of his increase after he makes his first offering to support the church. We found in the Deseret store, which is the principal tithing depot, immense quantities of butter, lard, grain, etc., which had been brought there by Mormons living in different parts of the territory. The paying of tithes is voluntary, but if one fails to do it he is regarded as a bad Mormon, and loses his position in the church.

“They say the Book of Mormon, translated from plates given to Joseph Smith by an angel, is the last revelation made by God, and is the Bible history of the American Indians, who came originally from Jerusalem. The church, when

it was first organized, did not believe in polygamy, but after a time a revelation was given to Joseph Smith, commanding it. It is entirely voluntary, and, as an evidence of this, not more than one-fifth practise it. They say the larger a man's family is here, if he is otherwise good, the greater will be his power in the world to come, as he will be the ruler over his family circle there, just as here, and so you find it that young women marry old men who have a number of wives, so as to share the greater glory of heaven. I have had many Mormons tell me that they did not practise polygamy because they did not feel good enough to do so; that to enter into it unworthily was just as bad as approaching the sacrament with evil thoughts in your heart and malice towards your neighbor; that any man who married more wives than one, save for the purpose of advancing the glory of God and His kingdom, would be punished for the sin here and hereafter. They claim that polygamy has many advantages over monogamy: that the longevity of their women is much greater than among any other people; that there is not as much suffering among them; that the children are healthier, and that it adds to their happiness and comfort in many ways. Sometimes a man has three or four houses, and a wife and family in each house, but oftener you find several wives occupying different apartments under the same roof, and apparently living happily together. President Young had eight of his sixteen wives under one roof, and no trouble ever occurred. The women firmly believe in polygamy, think God has commanded it, that the Bible supports it, that all good men of ancient days practised it, and the religious part of woman's nature being much stronger and deeper than man's, the law is accepted as thus laid down, and but few ever question or deny.”

From Ogden Mr. Davidson continued his journey to San Francisco, passing through the Great American Desert, where, for about sixty miles, the eye searches in vain for the sight of a green or living thing, and the alkali dust sweeps over the cars in clouds, until the throat and

mouth become parched and the eyes blinded, and the clothes filled with fine penetrating dust; through the snow-sheds, forty-five miles long, which in winter resemble an interminable, dreary tunnel; past a deserted town, which in former days, when the road was in process of construction, was occupied by the workmen and their families, but is now deserted and dead. Through the Great American cañon, an immense gorge, where the walls run up 2,000 feet, with a dashing, foaming river below. Round Cape Horn, the perfection of engineering skill, where the road-bed is cut out of the solid rock of the mountain, and follows around it more than a thousand feet above the valley below, the train seeming to hang in mid-air through the mining districts; past Sacramento, with its handsome buildings and shaded streets, to the Golden Gate. In 1849 the population of San Francisco did not exceed 2,000 souls, while at the present day it numbers over 150,000, with splendid buildings, and all the conveniences and luxuries of the oldest and wealthiest cities of the eastern coast. Here Mr. Davidson visited the Chinese quarter, with its theatre, gambling hells, opium dens, and other abominations. From San Francisco he visited the Great Geysers, one of the wonders of the world, with their many springs, varying in temperature from 90 to 195 degrees: the "Alum and Iron Spring;" the "Medicated Geyser Bath;" the "Black Sulphur;" "Boiling and Alum Sulphur;" the "Witches' Caldron," in which the water is in continuous ebullition, and so deep that no bottom has ever been found, the temperature 195 degrees, and the water blacker than ink; the "Devil's Ink-Bottle," a small spring of very hot, black water, which when cold is said to be excellent ink; and finally, the "Steamboat Geyser," named from the unceasing noise, like the blowing off of steam of a high-pressure engine.

The "Big Trees" were next visited: the "Fallen Monarch," measuring twenty-two feet in diameter at the butt, the bark of a porous, spongy nature, more than three feet thick; the "Grizzly Giant," thirty-one feet in diameter; and five or six hundred other mighty trees over

250 feet high. He rode, erect on horseback, through one which lay upon the ground, and ten of the party sat on horseback in the burned-out trunk of another, without being crowded for room. From the summit of Glazier Point, 7,000 feet above sea-level and 3,000 feet above the valley, the Yosemite Valley lay beneath, an oasis blossoming in the mountain's stony urn, six miles in length by half a mile in width, and completely walled in by precipitous rocks, whose sides were striped with exquisite colors which almost equalled the beauties of the rainbow. Through its length meandered the sparkling waters of the Merced river, and the "Nevada Fall," in sparkling jewels, sought the river bed, while just beneath it, the lovely "Vernal," "a living Niobe dissolved in tears," threw the crystal spray on the crags below. In the distance were the snow-crested Sierra Nevada, and nearer in solemn grandeur rose the North Dome and the South Dome, towering three and four thousand feet towards the heavens; while between them, in the distant valley, nestled Mirror Lake, reflecting their summits in its faithful bosom. A descent of more than 3,000 feet down the trail—encircling the mountains like a belt, and in some places so steep that often a single misstep of a horse would have sent them hurling thousands of feet down the mountain gorge—brought them to the beautiful valley, which they entered by way of the Little Yosemite. After exploring the transcendent loveliness of this "happy valley," the sight of whose enrapturing beauties has evoked the enthusiastic tribute of "See the Yosemite and die," Mr. Davidson paid a visit to the most celebrated gold and quicksilver mines, and returned by the Pacific railroad to Georgia, recuperated in health, and with his mind enlarged and invigorated by the glorious and marvellous scenes he had witnessed. After an absence of about three months he resumed the practice of his profession, which now absorbed the whole of his time and attention. In 1875, in consequence of a dissolution of partnership, the *Constitutionalist* was sold, and, being reorganized as a joint-stock company, Mr. Davidson became

one of the stockholders. In 1876 the paper passed into the hands of James G. Baillie, Francis Cogin and John S. Davidson, with James R. Randall in the editorial chair. In March, 1877, it was consolidated with the *Chronicle and Sentinel*, and is now one of the most influential Democratic daily papers in Georgia, as well as one of the leading journals of the Southern States. Mr. Davidson is still one of the proprietors.

Mr. Davidson has all his life taken deep interest in the education question. He has been identified with the common school system since its inception, and has taken an active interest in its progress and success. No one in Georgia has given so much time and attention to the interests of education; and at a great sacrifice of his professional time he has pushed forward the good work with a zeal that has never faltered.

Up to 1870 what was known as the Poor School law was in force in Georgia; but this, under the changed circumstances of the country, was objectionable to many, the better class taking but little interest in the schools. In 1870 the General Assembly passed a law entitled "The System of Public Instruction of the State of Georgia," which changed very materially the mode of public instruction, and was the beginning of the present public school system of the State. At the election of the members of the board organized under this law, John S. Davidson was elected one of the members for the city of Augusta. This was the first school board organized under the more advanced system of public instruction; and in consequence of the active part he had hitherto taken in educational affairs, he was elected President of the Board until 1872. In that year a local system for the county of Richmond, in which Augusta is situated, was inaugurated, placing the entire management of all educational matters in a board of thirty-four members. Of this board, consisting of some of the leading men in the city and county, Mr. Davidson was elected a member, and has so continued, by re-election, up to the present time, serving as Chairman and member of most important committees. He is probably

the most influential member of the board, and has done more than any other to perfect the system of public education. On the 14th of July, 1878, he was unanimously and by acclamation elected President of the board. The system of education is free to all, equal facilities being afforded to white and colored, and embraces the primary, intermediate, grammar and high schools, for scholars between six and eighteen years of age, the course of study covering a period of ten years and embodying a thorough classical education. The system has taken quite a hold on the people and is gaining in popularity—in Richmond county especially it has done a great deal towards restoring the proper relations between the white and colored population, who are now freely availing themselves of its advantages. The colored people enjoy very great advantages, having the same supervision and care as the whites, and, though the schools are separate, they are all under one board. At present there is not a private school of any importance in the county. In the inception of the system a great deal of opposition had to be encountered from many of the leading and influential citizens, as well as from vested interests, and the result has shown the wisdom of Mr. Davidson's course. He delivered speeches, wrote articles, and worked persistently and untiringly for its success, having to overcome much religious and sectarian opposition.

In 1877 there were about sixty schools in Richmond county and four high schools, two in Augusta and two in the county, with 3,888 pupils. Fifty pupils are allowed to a teacher, and there are eighty-one teachers. The average cost per scholar is 79 cents per month on the total enrolment, the cost to the county \$1.79 per month on the average enrolment, and the cost per month in the high schools about \$3. The schools are kept open an average of nine months in the year. Funds are raised by local taxation, supplemented by an appropriation from the State. The board received recently a donation of a house and land complete, for a girls' high school, from Mrs. Tubman, a wealthy and public-spirited lady of Augusta. All the

teachers are organized into a Normal class, which meets once a week for the discussion of matters relating to their work. The organization of the Conference Board of City Trustees, a subordinate board to the General Board, having charge of the city schools, is mainly due to Mr. Davidson, who has several times drawn up important amendments to the laws.

Mr. Davidson is a member of the Board of Directors and Attorney for the Georgia Chemical Works, perhaps the largest and best organized manufactory of fertilizers in the South. These works were organized by George W. Grafflin, one of the wealthiest and most prominent citizens of Baltimore, Md., and Treasurer of the Patapsco Guano Company, of that city. A charter was obtained from the General Assembly of Georgia in 1877, and the directors are Benjamin C. Yancey (a brother of William L. Yancey, of Alabama), of Athens, President; Alfred Baker, President of the National Exchange Bank, Augusta; ex-Governor S. G. Arnold, of Rhode Island; John J. Middleton, of Maryland; John S. Davidson, of Augusta; and George W. Grafflin, of Baltimore, with General M. A. Stovall as Secretary and Treasurer. The works are situated in the city of Augusta, and were erected under the direction of Professor Liebig, the celebrated chemist, and Mr. G. W. Grafflin, and contain all the modern improvements, having been built with a view to economy in time and thoroughness in work; the buildings cover an area of about 37,000 square feet. They have a manufacturing capacity of from ten to fifteen thousand tons per year, and the fertilizers cover in their different grades all the various crops in Georgia and the adjoining States of South Carolina and Alabama, where they find their principal sale. Mr. Davidson is Attorney and Correspondent for several corporations and legal associations. He is Treasurer of the Episcopal Diocese of Georgia, and has frequently been a delegate to the diocesan conventions of the State, and has been Senior Warden and Treasurer of the Episcopal Church of the Atonement, at Augusta, Ga.

He holds a high position in the Masonic

world, being Worshipful Master of the Webb Lodge, No. 166, Augusta, Ga.; a member of the Grand Lodge of Georgia, in which he is a member of the Committee on Jurisprudence; a member of the Committee in Charge of Masonic Work in the State; Chairman of the Committee on Memoirs of Deceased Grand Members; and was elected by the Grand Lodge a member of its Board of Trustees. He is a Trustee of the Masonic Hall, at Augusta, Ga. He has also been for several years Chairman of the Committee of the Southern Masonic Female College, of Georgia, an important educational institution. He has written a series of lectures on Masonic subjects, which have been highly commended by the lodges generally in the State, and will shortly be published in book form. He was Grand Chancellor of the Knights of Pythias, and was succeeded by the Hon. Thomas Hardiman, of Macon, a prominent candidate for Governor of Georgia in 1876. He has been an influential member of the Independent Order of Odd Fellows, and at one time was a member of the Board of Trustees of the lodge in the city of Augusta, charged with the control of their property. He is a member of the Knights of Honor.

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DR. H. F. CAMPBELL.

GEORGIA.

**H**ENRY FRASER CAMPBELL was born in Savannah, Ga., February 10th, 1824, and is the son of James Colgan Campbell, merchant, of Augusta, Ga. The Campbells are of Scotch-Irish extraction; their ancestors of the clan Campbell, of which the Duke of Argyll is the head, left Scotland with the Presbyterian exodus, which, in the early part of the seventeenth century, colonized the province of Ulster, Ireland, and continued to reside in the county of Antrim for several generations. The Rev. John Colgan, who lived in the seventeenth century and was the author of "Ecclesiastical Antiquities," was an ancestor of Mrs. James Campbell, the grandmother of the subject of this sketch. James Campbell, his



*C. W. Johnson, Fine Printer.*

*Henry F. Campbell.*



grandfather, left Randallstown, near Belfast, county Antrim, north of Ireland, about the year 1797 for America, and established himself in business in Augusta, Ga. After five years of increasing prosperity he sent for his son, Robert Campbell, the elder brother of James Colgan Campbell, then in Ireland, to join him. On his arrival, being then only fourteen years of age, he found that his father had died of fever shortly before. Robert Campbell, though a mere lad, displayed great self-reliance and determination, and soon entered vigorously into business, maintaining himself and assisting in the support of his widowed mother and fatherless sisters in Ireland. After securely establishing himself he invited his brother, James C. Campbell, then in Ireland, to join him, and a copartnership was formed between them in Savannah. Having passed a busy and eventful life, and amassed a considerable fortune, Robert Campbell died in 1874, at the age of eighty-six, leaving a large share of his property to his nephews, Henry Fraser and Robert Campbell. One of the daughters of James Campbell married Mr. Carroll, and some of her descendants still reside in Georgia. Another of James Campbell's daughters married James Black, for many years a prominent and successful merchant in Charleston, S. C.; and a third daughter married Mr. McVeigh, a farmer in good circumstances in Ireland. James Colgan Campbell married Mary R. Eve, daughter of Joseph Eve, a man of remarkable talents and inventive powers; he was one of the earliest inventors of appliances for steam as a motor power, especially with reference to marine and river navigation, the inventor of the gin which, somewhat modified, is the one now used for ginning Sea Island cotton, and various other mechanical appliances, notably that of crushing the cane for the manufacture of sugar. He was the author of the poems, "Better to Be" and "The Projector," and many others, and the intimate friend of the illustrious Dr. Benjamin Rush, of Philadelphia. As an example of the estimation in which he was held, at a recent meeting of an agricultural society reference was made to Mr. Eve by one of the reporters, who remembered

him as "the most intellectual being he had ever known." As is frequently the case with true genius, the epitaph of Joseph Eve, to be found on the tombstone at the Cottage graveyard, in the vicinity of Augusta, and written by himself on his death-bed, gives a concise history of his life:

"Here rests one fortune never favored.  
 He grew no wiser from the past,  
 But e'er with perseverance labored  
 And still contended to the last.  
 In reservation he'd a haven,  
 With constant hope still kept in view  
 The blest abode, the promised heaven,  
 Of all who strive God's will to do."

His daughter, Mary (Mrs. James Colgan Campbell), inherited her father's genius and love of poetry. She was a voluminous authoress, but few of her pieces were ever published; they are now treasured in a manuscript volume by her sons. Left a widow in 1826, at the early age of twenty-three years, she, with womanly tenderness, devoted her entire life to the care, education and training of her two sons, and died in 1861, nearly sixty years old.

Henry F. Campbell's primary education was received in a country school then conducted by able and competent teachers; one of these, Mr. George E. Smythe, a most thorough linguist, is still living in Atlanta. In 1838 he entered the Richmond County Academy, one of the oldest institutions of learning in America, and there pursued his classical studies under Professor Ernenpeutch. After leaving the academy he was placed with his brother, Robert, who was subsequently associated with him in the practice of medicine, under the private tutorship of Dr. Isaac Bowen, a graduate of Brown University, Rhode Island, under whom he completed his studies. In 1839, while still under Dr. Bowen's care, he began to read medicine under his uncles, the late Dr. Edward A. Eve and Professor Joseph A. Eve, of Augusta, Ga. In 1840 he entered the Medical College of Georgia, now the Medical Department of the University of Georgia, and was graduated thence M. D. in 1842, being then but eighteen years of age: among his class-

mates at the college were Dr. John G. Westmoreland, founder of the Atlanta Medical College; Dr. Robert Hubert, since a prominent physician in Warrenton, Ga.; and Dr. W. H. Felton, the well-known politician, now Representative in Congress for the Seventh District of Georgia. He commenced the practice of medicine the same year, and in consequence of his industry and unusual proficiency in anatomy was appointed Assistant Demonstrator to that chair in the medical college then occupied by Professor George M. Newton, one of the founders of the Tuttle-Newton Orphan Asylum, the office of Demonstrator being held by Dr. John McLester.

On the resignation of Dr. McLester he became Demonstrator and Prosector, which position he occupied until 1854. In 1853, in conjunction with his brother, Dr. Robert Campbell, then associated with him in practice, he inaugurated and established what was known as the "Jackson Street Hospital and Surgical Infirmary for Negroes," for the treatment of surgical and chronic diseases of colored people. This institution supplied a want long felt, and with the exception of a small infirmary, established by Dr. Paul F. Eve, was the first and by far the most extensive institution of the kind in the Southern States. It was patronized by the planters and slave-owners of Georgia, South Carolina and Florida, and the necessity for such an institution was apparent from the fact that there was no place in any of the large cities where the negroes could be accommodated for treatment except in the gaols. In 1854 a new chair was created for him at the Medical College, that of Comparative, Microscopical and Surgical Anatomy, which he occupied until 1857, when, on the resignation of Professor George M. Newton, he was appointed to the chair of Anatomy, filling that position until the beginning of the war, and being at the same time actively engaged in an extensive and increasing practice. In the early part of 1857 an event happened in the medical literary world that brought Dr. Campbell's name very prominently before the public and added greatly

to his reputation as a physiologist; a brief account of the controversy may here be given.

In June, 1850, Dr. H. F. Campbell published in the *Southern Medical and Surgical Journal*, vol. 6, page 321, a paper on "The Influence of Dentition in Producing Disease," in which he described a function of the nervous system hitherto unrecognized, which he named the "Excito-secretory system of Nerves." This function results from the relation subsisting between the excitor or sensitive nerves of the cerebro-spinal and the secretory branches of the ganglionic system. At the fifth annual meeting of the American Medical Association, held in Richmond, Va., he was, though absent, appointed a special committee to prepare an essay on the subject of Typhoid Fever, which essay was read before that body in New York, in May, 1853. In that paper he took occasion to consider carefully the ganglionic system, in support of the position therein assumed, that all typhoidal fevers were manifestations of disease through the secretory system of nerves. While thus engaged his attention was called to certain experiments performed by M. Claude Bernard, of Paris, together with his deductions therefrom. Finding, on examination, that they contained what appeared to him the germ of a theory similar to his own recorded in June, 1850, he deemed it advisable to appeal to the National Medical Congress in a brief memoir, praying permission to record before them *his claim to priority*, and to protest against the palm of originality in reflex secretions attaching to M. Bernard. On the appearance of the volume of the Transactions containing this memoir, several of the prominent scientific periodicals made special reference to his claim of priority: the *American Journal of the Medical Sciences*, January, 1854, says: "Dr. Campbell has shown that, at least, priority of publication is with him," and *The New York Journal of Medicine*, March, 1854, "the author certainly establishes his claim to priority of publication." In the *London Lancet* for March, 1857, Dr. Marshall Hall, of London, the greatest physiologist of the age, published a paper *announcing* a system



of excito-secretory nerves in the following terms: "In a memoir read at the Royal Society, in February, 1837, I announced the existence of an excito-motory system of nerves. I believe I may now announce a system or sub-system of excito-secretory nerves, not less extensive." Upon reading this Dr. Campbell addressed a letter through the *London Lancet* to Dr. Marshall Hall, in which he advanced his claim to priority in the discovery and naming of the excito-secretory system of nerves. In this exhaustive paper he sets forth in detail the particulars of his claim, and conclusively proves by voluminous extracts and references to dates that the excito-secretory function of the nervous system was developed and named by him in 1850 and 1853. Dr. Marshall Hall candidly yielded all claimed by Dr. Campbell, and the following brief extract from his letter to the *London Lancet*, May 2d, 1857, gives the substance of his adjudication of the question:

"It would be unjust to deny that Dr. Campbell has the merit of having first called attention to the excito-secretory sub-system, in the year 1850, and that he imposed this very designation in 1853. So far Dr. Campbell's claims are undeniable, and I would say, *palmas qui meruit ferat*. I arrive at this conclusion: the *idea* and the designation of the excito-secretory action belong to Dr. Campbell, but his details are limited to pathology and observation. The elaborate *experimental demonstration* of reflex excito-secretory action is the result of the experimental labors of M. Claude Bernard. And now I say *suum cuique*. My own claim is of a very different character and I renounce every other. It consists in the vast generalization of the excito-secretory action throughout the system. There is perhaps not a point in the cutaneous surface, in which tetanus—an excito-motor effect—may not originate; there is scarcely a point in which internal inflammation—an excito-secretory effect—may not be excited. Every point of the animal economy is in *solidarité* by a reflex excito-secretory action with every other!" And he thus concludes his reply to Dr. Campbell: "I trust Dr. Campbell

will be satisfied with my adjudication. There is in the excito-secretory function, as applied to pathology, an ample field of inquiry for his life's career, and it is indisputably—*his own*. He first detected it, gave its designation, and saw its vast importance.

"I am, sir, your obedient servant,  
"April, 1857. MARSHALL HALL."

In August of that year this distinguished man died, and the *London Lancet*, of August 15th, 1857, contained the following tribute to his memory:

"Death, that most unsparing of tyrants, has exacted from the greatest physiologist of the age the last debt of nature. Slowly, surely and relentlessly, disease has been undermining the earthly tabernacle of a mind which for vast powers, high purposes, and indomitable energy has found no superior in its native land in the present half century. On Tuesday last, the 11th inst., Dr. Marshall Hall died at Brighton, aged sixty-seven years."

Sir Benjamin C. Brodie, the former Vice-President of the Royal Society of England, perhaps the most authoritative tribunal in the world, and a member of the Institute of France, in reply to a letter addressed to him by Dr. Campbell, writes as follows:

"14 SAVILE ROW, May 2d, 1857.

"MY DEAR SIR: I am much gratified by learning that you have found something to interest you in my little volume. The writing it has been the amusement of my leisure hours spent at my house in the country where, during the last few years, I have passed several months annually. I have read your paper on the excito-secretory system of nerves, which certainly fully establishes your claim to originality in this investigation. I have had no opportunity of seeing Dr. Marshall Hall since I received your communication. I believe that he is staying at the sea-side, and I am sorry to add that he is laboring under very serious disease.

"I am, dear sir, your faithful servant,  
"B. C. BRODIE.  
"DR. H. F. CAMPBELL."

Dr. Dubouitzky, President of the Imperial Academy of Medicine, of St. Petersburg, in a communication sent through Mr. Pickens, the American Minister at the Russian Court, writes as follows :

“ST. PETERSBURG, *March 28th*, 1859.

“Then as to the last-named opus (Dr. Campbell’s treatise on the excito-secretory system of nerves), the Academy of St. Petersburg is quite of the opinion of the celebrated physiologist, Marshall Hall, as to the discovery of the intimate nexus between the peripheric nerves and the ganglionic system, which connection explains the frequent occurrence of secretory phenomena from external stimuli, and though the facts designated by Dr. Campbell are true and long before known, the explication of them and the very proper designation of the united nerves from different energies by excito-secretory system belongs to Dr. Campbell, as a most useful and honorable discovery.” And in reporting the endorsement by the members of the academy of Dr. Campbell’s claim to the discovery, he says: “The academy thinks that the most rational analysis of the influence of the excito-secretory functions on nutritious secretion, thermal and chemical changes and the different alterations of the blood, is worthy of her full approbation and of every encouragement,” and adds, “Professor Campbell has been elected as a corresponding member of the Imperial Academy of Medicine.”

Among those physiologists who subsequently followed M. Claude Bernard, of Paris, in the experimental demonstration of the reflex relations of the cerebro-spinal and ganglionic system, Dr. E. Brown-Séguard has been most prominent. He has designated it the vaso-motor system, which term, though widely current in medical literature, is thought by Dr. Campbell to fail in comprehending many of the most important phenomena and some of the rationale embraced under the original term adopted by Dr. H. F. Campbell and Dr. Marshall Hall—excito-secretory. For the manner in which this question of the excito-secretory

system was received at the period of the discussion, the writer would refer to the following prominent journals: *Southern Medical and Surgical Journal*, 1857; *London Lancet*, May 2d, 1857; *American Journal of Medical Sciences*, volumes for 1857 and 1858; *Nashville Journal of Medicine and Surgery*, vol. 14, page 146, and vol. 15, page 70, 1858.

The following extract from a letter from Marshall Hall, Jr., the son of Dr. Marshall Hall, written on the occasion of the receipt from Dr. Campbell of a copy of his published essays dedicated to Dr. Marshall Hall, will show the cordial feelings entertained towards him by the family of the distinguished physiologist :

“BLACKLAND’S PARK, near CALNE,  
“WILTSHIRE, April 2d, 1858.

“The compliment you pay my dear father’s memory cannot but be most grateful to the feelings of his family and friends, and I much rejoice that one of the latest acts of his life should have been the candid appreciation of a brother enquirer in the noble science of physiology. As he has written, the field you have entered upon is entirely your own, and any success you may achieve in the future would be dear to my father’s heart were he alive, and will, I pray you believe, earnestly rejoice his son.”

At the eleventh annual meeting of the American Medical Association, held in Washington, D. C., in May, 1858, Dr. Campbell presented a report on the “Nervous System in Febrile Diseases, and the Classification of Fevers by the Nervous System,” in which he maintains at great length, illustrated by numerous cases from his daily practice, the proposition that cerebro-spinal fevers are all *paroxysmal*, the secretions and nutrition being only *secondarily* affected, while the class which he arranges under the head of ganglionic fevers are all *continued*, the secretions and nutrition being *primarily* affected. The one essential diagnostic element of continued fevers is, that they can be recognized by pathologists as manifestations of disease through the ganglionic nervous system—all of them are marked by fever of a continued or non-paroxys-

mal character—all present marked primary aberrations in the functions of nutrition and secretion, and each has, in one degree or another, its own peculiar eruptive character. The report concludes with an elaborate tabular classification of the neuroses.

On receipt of the telegraphic reports of the first battle of Manassas (Bull Run), July, 1861, he hastened to Richmond, Va., and was appointed by the Confederate Surgeon-General, Dr. Samuel P. Moore, one of the consulting surgeons in the military hospital at Culpepper Court-House, where the wounded had been transferred from the battle-field at Manassas. In the meantime, a most excellent organization had been formed called the Georgia Relief and Hospital Association of Augusta, of which the Hon. Ebenezer Starns was the founder and first President; Dr. Campbell was appointed the Medical Director of the Association, and proceeded to Richmond for the purpose of establishing military hospitals for the Georgia troops there. On applying to Surgeon-General S. P. Moore for equipments for these hospitals, he found it was obligatory on him to accept a commission as Surgeon of the Confederate States. The commission was accordingly conferred, September 2d, 1861, and he was authorized to rent buildings and furnish equipments for the establishment of military hospitals, to be devoted exclusively for Georgia troops. The first of these hospitals was conducted in the tobacco factory of E. A. Smith, Twenty-first street, Richmond, and was placed under the charge of Surgeon Logan; the second under Dr. Louis D. Ford; the third was presided over by Dr. J. A. S. Milligan, and the fourth was conducted by Dr. B. S. Herndon, of Fredericksburg, Va., now of Savannah, Ga. The charge of these hospitals was changed as the war progressed, the surgeons in charge being assigned to other duties; each of these surgeons had three assistant surgeons, and the whole staff reported to Dr. Campbell. While under the sole direction of the Confederate Government, of which Dr. Campbell was a commissioned officer, these military hospitals bore a recognized relation to the patriotic and

benevolent institution founded in Augusta, from whose agent, Mr. J. M. Selkirk, they received large supplies of clothing, medicines and delicacies for the sick. Mr. John T. Newberry, now cashier of the Planters' Loan and Savings Bank, Augusta, was then an officer of the Confederate Government and clerk of the Georgia hospitals, and afterwards became chief clerk in the Surgeon-General's office, at Richmond. During his superintendence of these hospitals, Dr. Campbell, by order of the Surgeon-General, acted as one of the consulting Surgeons to the General Hospital at Richmond, and was assigned to extra duty as a member of the board for the examination of medical officers for the army. One of the duties of the board was the preparation of a Manual of Surgery for the use of the medical officers in the field and in the hospitals. The blockade had shut out from the profession all access to the outer world where books on medicine and surgery could be procured, especially manuals suitable for field and hospital use, and hence the necessity for the compilation of such work. The portion of the manual devoted to the surgery of the arteries was prepared by Dr. H. F. Campbell, and forms the larger portion of the book, which was published in 1863. In the preparation of this treatise there was not a single ligation described which had not been previously either rehearsed on the dead or performed on the living by Dr. Campbell, for which the large medical hospitals and dead-houses in Richmond gave him ample opportunities. This was eminently necessary, as many of the field surgeons, although excellent general practitioners, were inexperienced in operative surgery. It was during his charge of the Georgia hospitals that Dr. Campbell originated the radical treatment of inflammation by ligation of the main artery of the affected limb. This operation and method of treatment for traumatic inflammation was successfully applied in fifteen cases treated by him during his residence in Richmond, of which eight were of the superior and seven of the lower extremity. "Inflammation," says Dr. Campbell, in one of his papers, "is a condition better described than

defined. It is a state marked by redness, heat, pain and swelling, but all authors agree that its uniform and universal concomitant is *too much blood* in the affected part." All methods of treatment previous and subsequent to his method had for their chief indication the lessening of the redundancy of the blood, and for this purpose all surgeons advise that the inflamed limb shall be elevated to retard the progress of the blood through the arteries to the part affected, and to facilitate its return by the veins. The application of cold was made to contract the blood-vessels, and thus lessen the amount of blood; bandages were put on to compress the blood-vessels, and thus diminish their capacity for containing blood; leaches and scarifications were applied to reduce the amount of blood in the inflamed limb. Opiates were given to quiet the irritation which attracted blood to the part. Pressure upon the main trunk of the artery had been attempted, to check the flow of blood into the inflamed limb; but the good effect of this was more than counterbalanced, first by the pain it produced, and then by the unavoidable pressure brought to bear upon the nerves; but above all, was pressure objectionable on account of the compression upon the vein by which the blood was to be returned from the limb. Dr. Campbell's bold and radical measure of ligating the artery met all these objections by *preventing the blood from entering the inflamed limb*, except so much as was necessary for its bare nutrition, which was carried by the collateral and anastomosing (mouth to mouth) branches, while the vein was kept unobstructed to drain the blood from the limb. The ligation of the main trunk of a healthy limb, or of a limb immediately after the wound is received, is very often followed by mortification, but after inflammation has progressed to an advanced stage, the capillary and collateral circulation have become enlarged, and hence ligation under these circumstances, instead of producing, prevents mortification and rapidly cures the inflammation. During the war this principle was recognized and acted upon by the surgeons of the Confederate army, and a most distinguished authority,

Dr. Robert Druitt, of London, who prepared the article "Inflammation" for the last edition of "Cooper's Surgical Dictionary," the most widely circulated and authentic surgical work in the English language, gives Dr. Campbell full credit as the originator of this radical method of treating traumatic inflammation. After describing several of Dr. Campbell's illustrative cases, he says:

"Dr. Campbell sums up the deductions to be drawn from his experience in the following vigorous sentences: 'Lastly, whether the principle be adjudicated as a new one, or simply as the revival of an old one, long lost and unjustly neglected, we derive as a practical deduction from our cases, corroborated and confirmed by subsequent cases of others herein mentioned, the ever safe conservative precept that no hand, wrist, forearm, or elbow; no foot, ankle, leg, or knee should ever be amputated for excessive destructive inflammation—especially those cases resulting from traumatic causes—without resorting, whenever the state of the patient will admit of it, to a previous experimental ligation of the artery supplying the affected region. In extremities already condemned to amputation, if time be allowed, the procedure can certainly do no harm; on the other hand, it will often save a useful limb, or at least contribute to the more rapid healing of the stump.'" Mr. C. F. Maunder, Surgeon of the London Hospital, in a recent work, reports some operations of his own, performed in 1875, in which, after claiming some sort of originality, he admits that American operations had long antedated any of his in this direction. About three months previous to the surrender of Richmond, Dr. Campbell's health having suffered by privation and excessive exertion, he was sent under orders to Georgia with the assigned duty of inspecting the prison hospitals at Andersonville and elsewhere. Arriving at Augusta, he found himself quite unable to proceed further, and remained there, invalided, until after the close of the war. In 1865, at the reorganization of the faculty of the New Orleans School of Medicine, he was invited to occupy the chair of Anatomy, which

he filled during the winter of 1866-67, and, in the following winter, was transferred by the Trustees to the chair of Surgery, vacant by the resignation of Professors Baird and Chopin, who had filled the chair jointly. While in New Orleans he became *ex officio* one of the surgeons of the Charity Hospital, one of the most extensive and best known eleemosynary institutions in the entire South. Besides his ordinary clinical lectures at the School of Medicine during these two winters, he delivered to the class lectures on diseases of the nervous system. He resigned his professorship in 1868, and returned to Augusta, where, in expectation of his return, the chair of Anatomy previously occupied by him had been kept vacant a year, the lectures being delivered by the demonstrator. On his acceptance of a second chair—that of Surgery—in the New Orleans School of Medicine, the chair of Anatomy in the Medical College of Georgia was filled, and a new chair was created without name or specification of duties, and this was offered to Dr. Campbell on his return, with the privilege of selecting the character of his teaching. Having accepted this, he proposed as his department that of Operative Surgery and Surgical Anatomy, which was afterwards changed to Operative Surgery and Gynæcology, the courses now delivered by him at the Medical Department of the University of Georgia. On his return to Augusta he recommenced the practice of medicine and surgery, which he had previously been engaged in from 1842 to the outbreak of the war in 1861, and continues to perform the active duties of his profession at the present time.

In a brief paper read at Savannah, Ga., April 23d, 1875, before the Medical Association of Georgia, Dr. Campbell presented some of the advantages of inverted gravity, conditioned by postural pneumatic pressure in uterine displacements. His object was to establish among gynæcologists generally pneumatic pressure as it can be evoked and utilized in the genu-pectoral (knee-breast) position, as a constantly available and powerful instrumentality; not only for general use, in unusual and difficult

cases of displacement, but for daily application also, in the mildest forms and degrees of uterine malposition. The use and benefits of this method would be greatly restricted and depreciated should its application involve the attention each time of the physician or even a nurse; it became, therefore, an object of earnest thought to Dr. Campbell that he might place in the hands of suffering women, through their medical advisers, an ever-safe and ready method of self-replacement, by which, in most cases, instantaneous relief might be secured from not only the distress and many inexplicable discomforts of uterine dislocation, but far more important, from the imminent dangers to both mother and offspring which from this cause alone constantly imperil the wished-for result in the earlier months of gestation. Impressed with the importance of the knee and breast position in every variety and degree of uterine displacement, he sought to simplify the process by demonstrating that replacement can be made to occur almost invariably by the application of the pneumatic self-repositor which he invented for the purpose. This consists in a simple tube of glass, or other material, which, to use the language of the paper referred to, serves as an airway for the production of equilibrium of atmospheric pressure, thus allowing the inverted gravity to act in reduction. This method has been very generally accepted and used by the profession both in this country and in Europe. The instrument itself is for the use of the patient in obtaining self-relief, and not to be applied by the physician. By this means much unnecessary suffering and many severe trials to the feelings are spared the patient. The papers embodying Dr. Campbell's views on this important subject may be found in the *Atlanta Medical and Surgical Journal* of June, 1875, and in the first volume of the *American Gynæcological Transactions* of 1876.

At the meeting of the International Medical Congress in Philadelphia, September, 1876, Dr. Campbell read a paper on "Neuro-dynamic Etiology and Pathology of Urinary Calculus."

The various theories of Lithogenesis, the prin-

cial among which has been "the hard-water hypothesis," having failed to account satisfactorily for the origin of stone in the bladder and urinary passages, Dr. Campbell's investigation has been entered upon to find some other more philosophic and plausible. The result of his researches into the history of his own forty-five or fifty cases, and that of the cases of other lithotomists, has been the enunciation of the proposition that the inauguration of the calculus diathesis and the accumulations of concretions in the urinary passages is most frequently the result of *neuro-dynamic influences*, and that it is by reflex excito-secretory action that the secretions are modified so as to give rise to the production of uric acid nuclei in the bladder—uric acid being the nucleus in over five-sixths of the concretions removed from this cavity. He accounts for the very large proportion of children as the subjects of calculus in the fact that the derangements of the digestive organs, as he has before argued (1850), are caused by the irritation of dentition being reflected from the dental branches of the fifth pair of nerves through the spinal marrow and uriemogastric to the liver, where the excessive secretion of uric acid is thus neuro-dynamically excited. This being excreted by the kidneys in over-abundance at that time, many crystals and concretions are formed, giving abundant opportunities for the supply of nuclei and the great preponderance of urinary calculus in children and infants. This is his last application of the excito-secretory function to the explication of morbid phenomena.

In his practice he has made specialties of the two kindred departments of Surgery and Gynecology. He is *ex officio* one of the Surgeons of the Augusta City Hospital, and of the Freedmen's Hospital. Among his more prominent operations may be mentioned forty-five cases of lithotomy, of which forty-three were successful; fifteen cases of ligation of the arteries for the cure of gangrenous inflammation, and a large number of operations for vesico-vaginal fistula. Like his friend, Dr. Marshall Hall, of London, Dr. Campbell is the deviser of a "ready method" of artificial respiration for the res-

toration of persons in a state of asphyxia from opium, drowning, or other causes. Having observed during his studies of practical anatomy that, on lifting the dead body by the arms, the air rushed forcibly into the lungs by the expansion thus caused in the thorax, and that it could be again expelled by pressing the arms against the body, he devised upon this principle what he calls artificial respiration in the sitting posture. This he first applied in 1860 in a case of extreme narcotism and asphyxia from opium, two ounces of the tincture having been taken by the patient. In another case a man was rescued after a suicidal dose of fifteen grains of morphine, the process being kept up all night by relays of assistants. Since then he has repeatedly applied it, both in cases of opium poisoning and congestion of the brain, and, in all cases of opium poisoning, if the process be begun before the heart ceases its action, life can be sustained for an indefinite length of time, or until antidotes, as caffeine or atropine, can be allowed time to act. In a pamphlet published by Dr. Campbell in 1860 entitled "Caffeine as an antidote in the poisonous narcotism of opium," he remarks with regard to this alkaloid active-principle of coffee: "Caffeine, it would appear then, somewhat in the same manner as strychnine, may be regarded as one of the most efficient agents for restoring muscular contractility, and for reviving the tonicity of the muscular fibre. If in caffeine, so powerful an alkaloid—possessing in a concentrated form all the antispasmodic virtues of coffee—we have thus found an antidote for the narcotic effects of opium, and one which can be applied even in the most extreme states by injection, we must feel that an important extension of its application as a therapeutic agent has been made, and that many lives may be saved hereafter by its use."

On the passage of an act for the establishment of a Board of Health for the State of Georgia, he was appointed Sanitary Commissioner for the Eighth District. Dr. Campbell has sustained relations with the several medical associations of the country. He was one of the

first members of the Medical Association of Georgia, its Vice-President and Orator in 1852, and President in 1871. He is a member of the American Medical Association, Prize Essayist in 1857, and one of the Vice-Presidents in 1858; Correspondent of the Academy of Natural Sciences, Philadelphia, elected in 1858; Corresponding member of the Imperial Academy of Medicine, St. Petersburg, Russia, elected May, 1860; a Fellow and one of the founders of the American Gynæcological Society, in 1876; a foreign member of the Swedish Society of Physicians, elected at Stockholm, December, 1877; President of the Augusta Library and Medical Society, elected 1877.

The following may be mentioned as among his more important contributions to medical literature. In the list will be found some to which special reference has already been made, viz.: "Abortive Treatment of Gonorrhœa by Nitrate of Silver," *Southern Medical and Surgical Journal*, January, 1845; "Abuse of Diuretics," *ibid.*, same date; "Observations on Cutaneous Diseases," *ibid.*, August and October, 1845, and August, 1847; "Infantile Paroxysmal Convulsions: their Identity with Intermittent Fever, and their Treatment with Quinine," *ibid.*, October, 1849; "Dentition in Producing Disease (reflex-secretory or vaso-motor action)," *ibid.*, June, 1850; "Epidemic Dengue Fever, etc.," *ibid.*, January, 1851; "Law governing the Distribution of Striped and Unstriped Muscular Fibre," *ibid.*, March, 1851, and Transactions American Medical Association, volume iv.; "Injuries to the Cranium in their Relations to Consciousness," *Southern Medical and Surgical Journal*, 1851; "Bilateral Lithotomy," *ibid.*, August, 1851; "Unusual Form of Fever and Dysentery," *ibid.*, 1851; "Report on Surgery," Transactions Medical Association of Georgia, 1852; "The Nature of Typhoidal Fevers, etc.," Transactions American Medical Association, May, 1853; "The Sympathetic Nerve in Reflex Phenomena a Question of Priority of Announcement with M. Claude Bernard, etc.," *ibid.*, May, 1853; "Strangulated Ventral Hernia during Pregnancy," *Southern Medical and Surgical*

*Journal*, January and March, 1857; "Clinical Lecture on Traumatic Tetanus," *ibid.*, February, 1857; "The Excito-secretory System of Nerves, etc.," prize essay, Transactions American Medical Association, May, 1857; "Meckel's Ganglion, etc.," *Southern Medical and Surgical Journal*, February, 1858; "Classification of Febrile Diseases by the Nervous System," Transactions American Medical Association, 1857; "The Nervous System in Febrile Diseases, Excito-secretory or Reflex Vaso-motor Action the Basis of their Phenomena," *ibid.*, 1858; "The Secretory and the Excito-secretory System," one volume 8vo., 135 pages, Lippincott, Philadelphia, 1858; "Caffeine as an Antidote in Opium," *Southern Medical and Surgical Journal*, May, 1860; "A New 'Ready Method:' Artificial Respiration in the Sitting Posture," *ibid.*, May, 1860; "Croup a Paroxysmal Neurosis: its Treatment with Quinine," *ibid.*, May, 1860; "Caffeine in Opium-coma (second case), Injection by the Rectum," *ibid.*, August, 1860; "The Effect of Caffeine upon the Muscular System," *ibid.*, May, 1860; "The Georgia Military Hospitals of Richmond," pamphlet, Augusta, Ga., 1861; "Traumatic Hemorrhage and the Arteries, etc.," a chapter in the "Confederate Manual of Military Surgery," one volume 12mo., 297 pages, Richmond, 1863; "The Hunterian Ligation of Arteries in Destructive Inflammation," *Southern Journal of the Medical Sciences*, New Orleans, August, 1866; "Cooper's Surgical Dictionary," London, 1872 (article, "Inflammation"); "Position, Pneumatic Pressure and Mechanical Appliances in Uterine Displacements, etc.," pamphlet, Augusta, 1875, *Atlanta Medical and Surgical Journal*, June, 1875; "Registration and Sanitation, etc.," first Report of Board of Health of Georgia, 1875; "Blood-letting in Puerperal Eclampsia, etc.," *American Journal of Obstetrics and Diseases of Women and Children*, August, 1876; "Railroad Transportation of Disease-germs, etc., etc. (Yellow and Dengue Fever in the South in 1839, 1850, 1854 and 1876):" Annual Report Board of Health of Georgia, 1876; "Pneumatic Self-replacements in Dislo-

cations of the Gravid and Non-gravid Uterus," American Gynæcological Transactions, 1876; "Calculi in the Bladder after the Cure of Vesico-vaginal Fistula," *ibid.*, 1876; "The Neuro-dynamic Etiology and Pathology of Urinary Calculus, and Arterial Ligation in the Treatment of Traumatic Inflammation and Gangrene," read before the Surgical Section of the International Medical Congress, in 1876.

In addition to his out-door and consultation practice, Dr. Campbell is consulted extensively by correspondence. He has given the whole of his attention to his profession, often to the exclusion of the much-needed rest and recreation so necessary to those engaged in active professional pursuits; and Rosenearth, the country residence of the family, situated in Campbell Park and Forest, a favorite resort in the wild and romantic mountain region, near Clarksville, Ga., aptly termed the Southern Switzerland, has seldom afforded him the relaxation which such prolonged and incessant labor demands.

He married, in 1844, Sarah Bosworth, eldest daughter of Amory Sibley, one of the oldest and most extensive merchants of Augusta, who was at the time of his death President of the Mechanics' Bank, of Augusta. He has but one child, a married daughter, Mrs. Caroline C. Doughty. Mrs. Campbell is a lady of unusual attainments and cultivation, and has ever taken a deep interest in her husband's labors; to her encouragement and to the gentle inspiration of her approving and suggestive sympathy his success in his profession is largely due.

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REV. J. K. GUTHEIM.

LOUISIANA.

**J**AMES KOPPEL GUTHEIM was born, November 15th, 1817, at Menne, District of Warburg, Westphalia. He springs from a family in which Hebrew learning was much cultivated. His father, Meyer Gutheim, was a proficient Hebraist and Talmudical scholar, and his grandfather,

Rabbi Jacob Koppel, a rabbinical authority in the district. At the early age of five he entered the Talmud Torah school, at Warburg, was initiated into the Talmud by Rabbi Mann Steg, and frequented the progymnasium until his fourteenth year. At this tender age he became Hebrew teacher at Oberlistingen, where he remained two years, pursuing his classical studies under the guidance of Dr. Paulus, the learned Protestant minister of the place. Thence he removed to Munster, the capital of Westphalia, to finish his collegiate course and to enjoy the rabbinical instruction of the late Rabbi Abraham Sutro, chief rabbi of the province, from whom he received a diploma of proficiency. He officiated as preacher and teacher in Sendenhorst, Westphalia, from 1838 to 1842, and then emigrated to New York, where he arrived in 1843. At first he acted as book-keeper in the counting-room of a brother, a merchant in this city, and wrote an occasional article for the press.

From thence he was called, in 1846, to Cincinnati, and there officiated as preacher and principal of a Hebrew and general school. After a year's residence in Cincinnati he took charge of the B'nai Yeshurun congregation, which he retained for three years, and laid the cornerstone and dedicated the first temple of that congregation, now under the charge of Rev. Dr. J. M. Wise. In 1850 he received a call from the Shangari Chassed congregation of Rampart street, New Orleans, and in March, 1851, dedicated the beautiful new temple erected for their use. In January, 1854, he performed the funeral rites of Judah Touro, the affluent, philanthropic and patriotic merchant of New Orleans; and in June following, when the remains were removed to Providence, R. I., where the deceased was born and his father had ministered more than eighty years before, Mr. Gutheim again conducted the religious services. These solemn and impressive rites were in strict accordance with the ritual of the Hebrew Church, and, witnessed as they were by many for the first time, profoundly impressed the great concourse of spectators. The *Providence Journal*,



of June 8th, 1854, speaking of Mr. Gutheim's address, says:

"Mr. Gutheim is a German, and has been only twelve years in our country. He speaks English, however, with such freedom, accuracy and elegance as led all unacquainted with him to believe that he was either of British or American birth. His elocution was most admirable. There was so much euphony in his reading of the Hebrew Scriptures that even the uninstructed in that ancient tongue were delighted. But when he read in the vernacular that sublime psalm upon the frailty of human life, beginning, 'Lord, thou hast been our dwelling-place in all generations,' each one present seemed almost involuntarily to exclaim, 'How beautiful! how eloquent!'"

In 1854 he transferred his ministry from the Rampart street congregation to the Portuguese congregation of New Orleans, known as "the Dispersed of Judah," and in April, 1857, dedicated their spacious and beautiful new synagogue, "Nefutsoth Jehudah," then just completed, of which he had laid the corner-stone in the previous year. This synagogue was erected in place of the old synagogue on Canal street, a donation of Judah Touro.

In 1863 he left New Orleans for Montgomery, Ala., where for over two years he was in charge of the Hebrew congregation of that city, as well as another at Columbus, Ga., which he visited every month. At the close of the civil war he returned to New Orleans, where, finding the Portuguese congregation almost scattered, he accepted the call of his old congregation, on Rampart street, with the distinct understanding that he should introduce reform measures. In 1866 he laid the corner-stone of the synagogue erected by the Association "Temime Derech." In 1868 he was invited to accept the position of English Lecturer in the Temple Emanuel congregation of New York, which office he entered upon November 1st, 1868. Before leaving New Orleans, such was the high esteem in which he was held by his fellow-citizens of all shades of religious belief, that the following memorial, signed by over one hundred gentlemen, repre-

senting the worth, standing and intelligence of New Orleans, was presented to him to induce him to remain:

"NEW ORLEANS, *June 16th*, 1868.

"REV. JAMES K. GUTHEIM:

"REVEREND SIR: We, the undersigned citizens of New Orleans, not of your faith, but for many years your personal friends and admirers, have learned with profound regret of a movement having for its object your permanent removal to New York. Your long residence in this city has identified you with her welfare and secured for you a high place in the affections of her people. We recognize in you the warm-hearted genial friend, the enlightened patriotic citizen, and the divine of extraordinary learning, clearness of perception and power of eloquence rarely equalled. We regard your removal from us not merely an irreparable loss to your church and people but a calamity to this city and State, as we cannot afford at this time to lose such men as you. We most sincerely hope, therefore, that some satisfactory arrangement may be made for your remaining permanently among us, that your example and eloquence may lead this people in paths of education, virtue and peace.

"Believe us to remain, with sentiments of great respect, your most obedient servants."

He remained in New York for four years, and while there attended the Rabbinical Convention held in Philadelphia, in 1869, of which body he was the Vice-President. In connection with Hon. Morris Ellinger he established the *Jewish Times*, a journal which holds high rank as an organ of Reformed Judaism, and was its Associate Editor for the year 1869. During his sojourn in the Empire City a new Reform Congregation, under the name of the Temple Sinai, had been formed in New Orleans, and Mr. Gutheim was solicited to return to the scene of his former labors. In November, 1871, he visited New Orleans for the purpose of laying the corner-stone of the new Temple Sinai. The ceremony took place on Sunday, November 19th, when Mr. Gutheim delivered the following address, which, as an example of style and

of the aims of the reform movement in Judaism, may here appropriately find a place:

*"Sinai and Zion!* Two names of the most thrilling interest, of the deepest importance, of the most salutary influence to Israel and to mankind. They are the mountains of the Lord, from which heavenly truth gushed forth and spread in ever-widening circles. They are the fountain-heads of the religious and moral culture of the human race, the elevated points, where heaven and earth are happily blended, the divine and human harmoniously united. Sinai and Zion are household-words, wherever God is worshipped in spirit and in truth, for 'from Sinai the Lord shone forth, at his right hand a fiery law'—'and from Zion comes forth the law and the word of God from Jerusalem.'

*"Sinai and Zion!* What hallowed associations cluster around these two names, whose pristine brightness has remained undimmed in the march of many centuries and the wide area of the earth's surface. They are forever synonyms of light and truth. Even from this distant spot in the New World we cannot help contemplating them with a solemn veneration and sacred delight as their outlines and their historical importance rise before our mental vision. The stone, laid as a foundation in Zion, was the imperishable block, hewn from Sinai's adamant quarry. However fierce the storm of human passions, however violent the onslaught of the misconceived zeal, engendered by blind fanaticism, it was too firmly imbedded, ever to be dislodged. It was 'a tried stone' designed and fashioned by the hand of Omnipotence, and upon its foundation the temple of truth and of love, the temple of knowledge of the One and only God, the Father of all—and of the fraternal bonds that should unite all his children, was to be reared in all its holiness and glory for the happiness of man. It was a 'precious corner-stone' exceeding all worldly grandeur and material wealth, as it constitutes the immovable basis of moral purity and greatness of soul. Whoever built upon this stone, his structure was well founded; whoever stood 'firm and faithful, did not hastily waver,' but

from the midst of temporary gloom and harassing trials he looked forward, with the eye of hope, to a bright and peaceful future. 'The tried stone, the precious corner-stone, laid as a sure foundation in Zion,' is identical with the corner-stone of Judaism. To speak without metaphor. Judaism is founded upon the belief in the absolute unity of God, in the recognition and worship of the One spiritual, all-wise, all-merciful and omnipotent Creator and Ruler of the universe, who has created man in His own image by endowing him with a soul, capable of comprehending this truth, of unfolding its inherent intellectual and moral powers, and destined for immortality. This truth proclaimed from Sinai and ratified at Zion for the benefit of all mankind, 'in order, as Solomon prays, that all the people of the earth may know, that the Lord is God and there is none else'—is neither enveloped in mysteries, nor disfigured by types. It is in beautiful harmony with human reason and directly appeals, in tender and soothing accents, to the human heart. It is the perpetual revelation of the eternal, immutable, ever-living God to the spirit of man in every age. Before the heavenly light of this truth, the lurid flames of idolatry and superstition and the meteoric flashes of atheism must pale their ineffectual fires. The standard of religious truth, thus unfurled by Israel, will be held aloft, until all the families of the earth will flock around it for their blessing. The belief in the One eternal God and Father, as taught by Judaism, has proved, directly and indirectly, the most potent factor in the advancement of true civilization. It has steadily promoted the moral progress, elevated the mind and refined the heart of man. It has shed its heavenly light on, and clearly defined the eternal principles of justice, of liberty, of brotherly love. At a time, when darkness covered the nations, when heathenism with its flagrant vices and gross aberrations brutalized mankind, the law of Sinai inculcated as practical rules for government and for life, 'You shall have but one law and one judgment for the native and for the stranger,' *i. e.*, you shall mete out equal justice

to all; 'you shall neither vex nor oppress the stranger,' but accord him the full measure of liberty which you enjoy; 'thou shalt love the stranger as thyself'—a command which appears as a complementary enforcement of the comprehensive moral precept, 'Thou shalt love thy neighbor as thyself.' And these principles were compressed into one beautiful sentence by the last of Zion's prophets, 'Have we not all One Father? hath not *one* God created us? Why then should we act treacherously one against another?' Yes, the belief in one God, who embraces all mankind in His paternal love and wise providence, must strengthen the sentiment in the human heart, to regard and treat every human being as the child of God, as a brother. Upon this belief, therefore, 'as the tried and precious corner-stone,' the world-wide temple of humanity is destined to rise, slowly but surely, in its grand and lofty proportions. The memories and associations clustering around Sinai and Zion were never dis severed from Israel's history; they are not simply the dead-letter record of the past, but are enshrined as imperishable legacies in the hearts of the people selected by God as the missionaries of divine truth; they come to us to-day, enforced not only by the faith and constancy, the virtues and sacrifices and sufferings of a long line of ancestry, but by the lessons and experiences of the times in which we live; and we are resolved, not with any feeble expectation or faltering hope only, but with a firm persuasion and assured trust and faith, to send them down all sparkling and blazing to the remotest posterity. In the spiritual empire of religious truth 'the sceptre has not departed from Judah.' The two great religious systems, which ostensibly govern the civilized world, Christianity and Mohammedanism, have sprung from Judaism; whatever is sound and vigorous and fruitful in their constitutions has been drawn from, and is quickened by her life-sustaining maternal bosom. Judaism, like the sun, is resplendent in its own light, while its planetary orbs shine in a borrowed effulgence drawn from its primitive fountain. Truth remains unalterably the same. It is the signet of God, stamped upon nature and history, upon matter and spirit, eternal and immutable like God himself. The principles and doctrines of Judaism, therefore, with their divine charter of Sinai and their tried corner-stone of Zion, must be true to all eternity. No expediency, no compromise, no sophistry can shake their permanent validity. If the recognition and worship of the Holy One was ever true (and this fact must be universally conceded), if at any time it was the precious corner-stone of genuine faith and morality, then the doctrine of One God, who exists peerless and alone in His divine majesty, must remain true, as long as the mind of man is capable of reasoning and the heart of man susceptible of truth. It was the peculiar, heaven-ordained mission of Israel, to be the custodian, the propagator, the ever-existing witness of this truth, the Messiah of nations, the light of the Gentiles. To this end it was appointed, by divine mandate, 'as a kingdom of priests and a holy nation;' to this end it has been preserved throughout the checkered events of history, amidst the crumbling of thrones and the crash of empires, bravely sustaining the fierce and prolonged storms of intolerance, of fanaticism and persecution that raged around its devoted head. Beyond the cloudy horizon of the gloomy present, it ever discerned the bright dawn of a serene future, 'when the knowledge of God will cover the earth, as the waters cover the sea.' For although religious truth has advanced by slow and measured stages, yet its dominion has visibly expanded, and its future realization, though remote, is sure and certain. In the words of the prophets, Isaiah and Micah, 'And it shall come to pass in the last days, that the mountain of the Lord's house shall be firmly established on the top of the mountains, and shall be exalted above the hills; and unto it shall flow all the nations. And many people shall go and say, Come ye, let us go up to the mountain of the Lord, to the house of the God of Jacob; that he may teach us of his ways, and we may walk in his paths.' Until that time, when all mankind will know and worship the One and only God, Juda-

ism, the venerable and faithful mother, is willing and anxious to live in amity, in brotherhood, and in peace with her numerous offspring of variously appavelled daughters. Synagogue and Church, though differing in matters of faith, are yet in perfect agreement on the moral law of the Bible. Upon this broad platform we stand as a united band of brothers, inspired by a common duty, to work for the improvement and happiness of our common race. There is nothing more wonderful in the history of the human race than the way in which the religious and moral ideal of Sinai has traversed the lapse of ages, acquiring a new strength and beauty with each advance of civilization, and infusing its beneficent influence into every sphere of thought and action. The moral development of mankind is sure to progress to its destined goal by the assimilating and attractive influence of this grand ideal. In the present aspect of the world it devolves upon Judaism to present the standard of this ideal to the public eye, in all its attractiveness and perfection, stripped of mere speculative doctrines and ritualistic observances which in former periods of history were deemed necessary for its preservation. True religion sanctions no doctrine which collides with our reason or our moral sense; no speculative theories or ceremonies, which, without being opposed to conscience, are at least wholly beyond its sphere. Guided by these principles and considerations, the movement of modern reform in Judaism was inaugurated, and has steadily gained the fervent sympathy and support of numerous faithful adherents. It is a plant of spontaneous growth, emanating from within and not from without, and hence must thrive and prosper.

“Reform means rational progress; reform means life; reform means enlightened conviction; reform means sublime devotion to the holiest interests and to the grand ideal ever cherished by Judaism. Under the banner of reform, Judaism has revived from its lethargy, has put forth its native energy and vigor, and bids fair to realize its glorious future. Directed at first to the abatement of crying abuses in the

synagogue, it has steadily extended its sphere, and its regenerating influence is now felt in every department of Jewish life. It has breathed order into the chaos, chased away the dense clouds of superstition that darkened the religious horizon, and purified the spiritual atmosphere of Israel. And these grand results have been achieved, ‘not by force, not by violence, but by the power of truth.’ Members of ‘Temple Sinai!’ Words are inadequate to convey to you my emotions of deep-felt gratitude for having called me from the distant North to express the ideas and sentiments which the act in which we are engaged naturally inspires. It affords me a holy satisfaction to witness the substantial evidences on your part, that the seeds, which your former teacher and guide has sown in singleness of purpose and purity of motive, have not fallen on barren soil. You have undertaken a holy and glorious work. The corner-stone is about to be laid to-day—the temple will soon be erected, and afford, under Divine Providence, a lasting monument to your noble efforts. Great, no doubt, were the exertions, great the sacrifices which it has hitherto cost you; and still the work is yet in its inception, and great, no doubt, will yet be the sacrifices for its completion. ‘Be strong, therefore, and of good courage, fear not, nor be ye afraid.’ Persevere in your holy zeal. ‘Remain steadfast and faithful, do not hastily waver.’ Continue to act, as you have hitherto done, in union and harmony, with courage and perseverance, and all difficulties will be easily surmounted, a triumphant success will crown your efforts. As your fathers, the whole people of Israel, were assembled in the days of yore at the base of Mount Sinai, and listened to the words of revelation, which since then constitute the corner-stone of the temple of humanity, so you are assembled this day around the corner-stone of ‘Temple Sinai,’ renewing your allegiance to God, determined to remain faithful to the spirit of His holy law. But unlike your fathers, you are not encamped in a bleak, inhospitable desert, nor surrounded by hostile, barbarian tribes, but are free citizens of a great and glorious republic, settlers of a thriving and noble

State, residents of a fair city, whose changing fortunes could not affect the high-minded impulses, the liberal and generous spirit, by which its inhabitants were ever distinguished. Indeed, the numerous attendance of our fellow-citizens of other creeds, some to testify their interest and sympathy as spectators, others by active participation in the exercises of the hour, practically illustrates the beautiful line of the sacred bard, 'Behold, how good and how pleasant it is for brethren to dwell together in unity.' Let the corner-stone, therefore, be laid with the accustomed rites by the worthy brotherhood, whose motto is *Light, Truth and Charity*, whose principles and practice are in full harmony with the principles and practice of Judaism. In the name of God, we solemnly dedicate this corner-stone upon which the sacred edifice is to rest. May the 'Temple Sinai' realize the fervent anticipations of its founders, become a fountain of holy and blessed influence, a visible embodiment and Messianic teacher of the two cardinal principles of true religion: '*allegiance to God—good-will to man!*'"

In 1872 he accepted the call and entered on his duties as rabbi and minister. This congregation was organized on reform principles, and adopted the ritual of the Temple Emanuel of New York. It consists of about 150 members, and is the first in influence and numbers in New Orleans. The temple, which is a large brick building in the Moorish style, is chaste and handsome in its interior decorations, and will seat about 1,300 people; its cost was \$70,000.

Mr. Gutheim has taken a prominent and active part in founding and promoting the success of all the charitable institutions of New Orleans. He was one of the founders and a principal mover in the organization of the Association for the Relief of Jewish Widows and Orphans, and has been successively its Secretary, Treasurer and First Vice-President; the latter office he still holds. Of the Touro Infirmary he has been Vice-President since its organization in 1854. He has been member of the board, and President of the Hebrew Benevolent Association since his residence in the Crescent City, and

has been First Vice-President of the Touro Infirmary and Hebrew Benevolent Association since the consolidation of the two institutions in 1874. During his official career he has dedicated temples for Hebrew worship in Louisville; St. Louis; Cincinnati; San Antonio, Texas; Mobile; Montgomery; New Orleans, and several other cities. Since 1877 he has been a member of the Board of Directors of the Public Schools of New Orleans; he is Chairman of the Committee on Teachers, and acting President in the absence of the President, Hon. T. J. Semmes. Mr. Gutheim has published a large number of sermons and lectures, some of which have appeared in the press and others in pamphlet form; and a selection entitled the "Temple Pulpit," containing sermons and addresses delivered on special occasions, making a neat volume of 175 pages, was published in New York in 1872. He has translated from the German the Fourth Volume of the History of the Jews, by Dr. H. Graetz; and has translated from the Hebrew about one-half of the book of Psalms. He has also prepared a collection of Hymns for the Temple Emanuel, mostly translations from the German.

It would be as presumptuous as it would be impossible, in our limited space, to attempt to define here the difference between the Reformed and the Orthodox Jewish faith. It may be said, however, that the Reformed school hold the purely religious and devotional part of Judaism as deeply and reverently as the most orthodox, but they look upon the Levitical laws as having reference to the time, place and circumstances under which they were promulgated—as being of purely local and temporary importance; some of them necessarily having to be abandoned, as opposed to modern civilization. The movement is purely a result of intellectual progress, a necessary corollary of the advance made in civilization. They insist, only, upon three articles of faith: The unity of God; the existence of revelation, *i. e.*, a direct relation between God and man; and the immortality of the soul. All things else are matters of discipline or expediency, and of no vital impor-

tance. They believe that the Messiah has come—that the people of Israel are the Messiah. That the prophecies have reference to the whole people of Israel, who were to be the sufferer of mankind—to be forcibly scattered over the world, and to serve as a channel through which all the nations of the earth should come to a knowledge of the true and only God, and to be redeemed and reclaimed from idolatry.

Mr. Gutheim is a gentleman of deep research and of the highest culture, possessed of rich stores of recondite learning. A scholar, theologian and orator, remarkable for the comprehensiveness of his ideas, the soundness of his reasoning, and his liberality of thought. He has an impressive and graceful delivery, with vigor, eloquence, and great command of language. He has achieved remarkable mastery over the English language, his fluency and felicity of expression in which is quite wonderful in a gentleman of foreign birth. The *New York Herald*, of March 19th, 1871, in describing the "Pulpit Lights of Judaism," says of him: "He looks at every injunction of the law, every tradition of his race, and every ancient Jewish custom in the naked light of absolute logic. He accepts nothing until it has been adjudged acceptable by the unbiased decision of the intellect. He, so to speak, untwists the very fibres of theological dogmas, and holds fast only to such threads of divine light as seem agreeable to the spirit of the age and the genius of the people among whom he has been thrown."

Mr. Gutheim was married in 1858 to Emilie, daughter of I. I. Jones, a prominent merchant of Mobile, Ala., and has but one son, Meyer Gutheim, who is now studying law in the office of Hon. T. J. Semmes, of New Orleans.

A specimen of Mr. Gutheim's metrical version of the Hebrew Psalms may serve as an appropriate conclusion to this biographical sketch.

## PSALM XXIII.

## I.

The Lord's my shepherd evermore,  
I shall not want, nor e'er shall pine;  
By tranquil streams He'll place my store,  
On pastures sweet make me recline.

He cheers my soul; for His own sake  
He ever leads in virtue's wake.

## II.

And though I walk through shades of death,  
Through silent vales of mortal gloom—  
I fear no harm from mould'ring breath,  
God is with me beyond the tomb.  
His rod and staff will surely be  
My comfort to eternity.

## III.

My wants He kindly will supply,  
My table in His love prepare;  
Despite the glance of envy's eye  
God will sustain me in His care;  
He will with oil anoint my head  
And on my cup His blessing shed.

## IV.

Thus grace and goodness will attend  
My journey to life's hidden shore,  
And happiness will crown my end  
And be my portion evermore:  
For in God's house I shall abide  
And ever bless my heavenly guide.

DR. WM. O. BALDWIN.

ALABAMA.

**W**ILLIAM OWEN BALDWIN was born, August 9th, 1818, in Montgomery county, Ala., about four miles from the capital of the State. At that time Alabama had only recently been organized as a Territory, and was not admitted into the Union until the following year; Montgomery, an old Indian town, was then called "Alabama town." His great-grandfather, a Virginian by birth, settled in North Carolina, where he married Miss Owen, after whom numerous members of the Baldwin family have been named. Some years after his marriage he removed to Columbia county, Ga., where he raised three sons, who took part with their father in the Revolutionary war, and were present at the siege of Augusta, Ga.; the eldest son David and himself returned home at the close of the war and died shortly afterwards. Of the two remaining sons, Owen married Miss Wiley, and



*W. O. Baldwin.*





many of his descendants are now resident in Mississippi; and William, who was born in North Carolina, became a planter in Georgia, married Miss Elizabeth Kimbro, of that State, and was the grandfather of the subject of this sketch. Judge Abraham Baldwin, one of the signers of the Constitution of the United States, was a relative of his. William Baldwin, son of the preceding and father of Dr. Baldwin, was born in Georgia, and married Miss Cecilia Fitzpatrick, of Georgia, whose father was a member of the Georgia Legislature for nineteen consecutive years, and left nine children, of whom the eldest, Cecilia, was the only daughter, and the youngest, Benjamin Fitzpatrick, was afterwards Governor of Alabama, and subsequently United States Senator, which position he resigned when Alabama passed the ordinance of secession. William Baldwin's eldest son, Marion Augustus Baldwin, was born in Georgia, and removed with his parents into Alabama in 1816; he was Attorney-General of Alabama from 1847 to 1865, and one of the ablest lawyers as well as the most popular man in the State. His father died when Dr. Baldwin was nine years of age, leaving his widow with seven children, of whom he was the second son; he received his education at an academy in Montgomery county, near his mother's plantation, conducted by Adison H. Sample, a man of great reputation in his day, a splendid linguist and a finished scholar. At sixteen he commenced to read medicine in the office of Dr. McLeod, the leading physician in Montgomery, and shortly afterwards entered the Transylvania University, Lexington, Ky., in which institution he became the private pupil of Dr. Charles Caldwell and Dr. L. P. Yandell, then in conjunction with the eminent surgeon and lithotomist, Dr. B. W. Dudley, professors in that university. At the unprecedented age of eighteen, he received his degree of M. D., a fact much regretted in after life when the importance of more extended study was more vividly realized.

Some years afterwards, disagreements having arisen between the members of the faculty, the professors, with but few exceptions, resigned and

established the Medical Department of the University of Louisville, and the Transylvania University became extinct. His mother having so large a family to raise unaided, was somewhat cramped in her resources, and found it impossible to give more than one of her sons a university education, and to that the elder brother was naturally entitled. William, however, had all but completed his arrangements to enter the University of Virginia, when the want of adequate means interposed, an obstacle which it was impossible to overcome. In 1837 he commenced the practice of his profession in Montgomery, and in 1840 entered into partnership with his former preceptor, Dr. McLeod, who died twelve months afterwards. Becoming on intimate terms with the distinguished Professor of Obstetrics, Dr. William M. Boling, a strong personal attachment sprung up between them, and after occupying the same office for some years, they formed a professional copartnership in 1848, which continued in force for four years, when their practice became so extensive that it was deemed best for their individual pecuniary interests, in the matter of consultations, etc., to separate, and the partnership was accordingly dissolved. Dr. Boling was a man of great learning, and perhaps of more sterling merit than any Alabama has produced. Dr. Baldwin and himself studied and labored together for eleven years for the advancement of science, and he afterwards became Professor in Transylvania University, and subsequently at Memphis. At his death, in 1859, Dr. Baldwin delivered a touching eulogy over the grave of this noble and erudite physician.

In April, 1847, Dr. Baldwin contributed to the *American Journal of the Medical Sciences* some "Observations on the Poisonous Properties of the Sulphate of Quinine." This paper, which contributed perhaps more to his reputation than any article he ever wrote, created great attention, and was translated into several foreign languages, and is quoted as an authority not only in the English and French periodicals and their standard works on toxicology, but also in the *United States Dispensary* and the

medico-legal works of this country. After reporting a case in which convulsions, blindness and death followed the use of sulphate of quinine; and another in which the symptoms which succeeded the administration of the quinine bore a striking analogy to the first, although death was not the result, he records numerous experiments made upon dogs, which are affected by poisons exactly in the same way as human beings. Admitting that, under careful and proper administration, no single remedy is half so valuable to the practitioner as that of quinine, he proves conclusively that when given in overdoses, it is capable of producing death. In December, 1849, he delivered an address before the Alabama State Medical Association, over which body he afterwards presided, entitled: "Physic and Physicians." The range of the discussion is over a wide and fruitful field, embracing the intellectual, moral, social and professional position of physicians, and the beneficial relations of their science to the welfare of mankind. It is a manly and fearless defence of medical science from quacks and empirics of every description, and abounds in argument, apt illustrations and eloquent appeals in behalf of the dignity and claims of the medical profession. To Homeopathy particular attention is paid, and considerable space is devoted to the exposure of its heresies and humbugs, but withal in a dignified and manly tone. He is mercilessly severe on dishonorable, unworthy or mercenary conduct on the part of the orthodox members of the profession, and handles empirics and empiricism of all sorts "without gloves." This address, although the first delivered in public by its author, was received with such marked favor by the members that it was printed by order of the association for general circulation, and reviewed in the most complimentary terms by the medical journals and newspaper press. After dissolving partnership with Dr. Boling, Dr. Baldwin conducted the largest and most lucrative practice in Montgomery, reaching \$15,000 per annum, a very unusual income for a city of its size. During the civil war he still continued his practice, declining repeated offers of com-

missions in the Confederate service, although he was frequently present on the field after the action attending the wounded as a volunteer surgeon. His eldest son, William Owen Baldwin, left the State University at Tuscaloosa, against his father's will, to join the army, and while Captain of the twenty-second Alabama—endeared to his comrades as the "boy-captain" of Deas' brigade—was killed at Franklin, Tenn., aged only nineteen years. The war over, Dr. Baldwin used his utmost endeavors to bring about a pacification between the two sections so bitterly estranged. During the terrible strife the members of the American Medical Association at their various meetings had repeatedly deplored the absence of their Southern brethren, and looked forward to the time when they would be again "one in their political, professional and social relations." At the annual meeting held in Washington, D. C., in 1868, the first since the beginning of the war at which delegates from the South had been present, only seven representatives from the Southern States attended out of an assemblage of about 500 members. Dr. W. O. Baldwin was elected President as an evidence of the earnest wish of the association to hold out the right hand of fellowship to those so long estranged. Contrary to usual custom the President elect delivered a short address from the chair, which, from the admirable spirit in which it was conceived, and the pathetic yet manly manner in which it was delivered, touched to the quick the hearts of those present, and drew forth unqualified eulogium from men of all shades of opinion. He said:

"Mr. President and Gentlemen of the American Medical Association: In returning you my sincere thanks for the honor you have conferred upon me in electing me to preside over the deliberations of this body—an association which embraces in its relationship so many names justly distinguished over the civilized world for genius and learning—believe me, gentlemen, it is with feelings of embarrassment equalled only by my profound sense of gratitude and my admiration for the magnanimity which prompted the offering. It is the more grateful to me that

it was the free, unasked-for gift of the association. I did not seek the position. High as the honor is, I should deem it purchased at too dear a price if, in order to obtain it, it had been necessary for me to solicit the votes of any men from any section, even those from my own society. I am painfully conscious, gentlemen, of my own unworthiness of this high distinction, and am not vain enough to appropriate the honor all to myself. I do not accept it as an individual compliment, but rather as the faithful hand of brotherhood stretched out with a generous friendship and true nobility of soul in its desire to heal and obliterate the wounds in its own bosom for whose creation it was in no way responsible. Pardon me for taking this opportunity for alluding briefly to a subject which has not perhaps heretofore been considered germane to occasions like the present, and which I now approach with both pain and hesitation. I am sure that most of you have not failed to observe the very meagre representation which the association has had from the Southern States since the close of the late war. This has probably been due to several causes, to only one of which, however, I desire to allude. I will not disguise from you, gentlemen, the fact that there are many physicians in the South disposed to hold themselves aloof from your councils. The resolution passed at your meeting in 1866, offering again the hand of fellowship to your Southern brethren, owing to the peculiar condition of our country at that time and the fact that but little of the medical literature and news of the North circulated with us, met the eyes but of few, and there are still among us those who feel that your hearts are yet steeled against them, and who believe that, notwithstanding some formal declarations to the contrary, most of you, in your private feelings, have not yet been able to rise sufficiently above the prejudices of the past to enable you to receive them in such a manner as to make their presence here either agreeable to them or profitable to the association. Looking to this conviction of theirs, strengthened by the fact they are still under the cloud of the nation's displeasure, and denied the political rights to which they esteem themselves entitled, they have felt that it would be both undignified and unmanly to present themselves at your doors for admittance to your councils, or to offer to affiliate with you until they can come as your peers in all things—in political and social rights, as well as in scientific zeal and devotion. So far as my observation has extended, I am sorry to know these sentiments have prevailed with many, and it is but frankness in me to say so. I am free to confess that I, with many others, have not sympathized altogether with these feelings. I saw the resolution adopted in 1866, and before referred to, inviting us in most respectful and conciliatory language to resume our places in this association. I felt this was all you could do, all you ought to do, all we could ask, and was satisfied with it, and only regret it did not obtain a more general circulation. The society to which I belong, with entire unanimity, appointed its full quota of delegates to this meeting. I came here to lend my humble example to the work of re-establishing our former relations. I never doubted I would be received with courtesy and even with kindness. The broad, liberal, and catholic sentiments proclaimed from this stand in the annual address of that noble old Roman, our distinguished President, Dr. Gross, knowing in these halls 'no North, no South, no East, no West'—he whose clustering honors, though won in your midst, yet gather a beauty and brilliancy from the love and veneration in which he is held in the South—must be received as a declaration of sentiments and principles by this association, and cannot fail to correct the errors and misrepresentations which have prevailed in our section. This action of yours to-day, in awarding through me as one of her humble representatives, the honorable and distinguished office of President of this Association, a position which might well be claimed for one of the many of your own renowned and gifted sons, will, I am sure, testify to our brethren of the South, in silent but forcible language, the injustice which has been done you by those who have taken a different view of your real sentiments and feelings

towards us. In saying this much, I do not intend it as a reproach to those of my section who have hitherto so misunderstood you; and you in your generosity I am sure are prepared to concede much to the pride of a noble manhood, who, standing amidst the memories of blasted hopes and ruined fortunes, have perhaps been disposed to guard with too jealous and sensitive an eye that which is dearer to them than fortune or life itself, and which I am sure you would be the last to willingly see compromised—their personal and professional dignity and honor. For myself and for those I represent I grasp with unaffected pleasure the hand which you have so gracefully and magnanimously offered, and I hope and believe this sentiment will meet a ready response from all our brethren of the South. *Let us again be united as friends and brothers.* Ignoring past and present political differences, let us exhibit to this distracted country an example of forgiveness and toleration worthy the emulation of a great and noble people. Let the bonds which we acknowledge here bind us in all portions of this broad land as a sacred brotherhood engaged in a common toil, with one mind, one heart, and one purpose. Let the place annually selected for our meetings be our Mecca. There let us meet with harmony of sentiment for thorough organization, for connected and concerted action, without which no great science or art can ever attain its highest perfection. Exacting from each other only the qualifications necessary for honorable membership, let us there mingle in the sacred precincts of our humane profession, and join hands and sympathies in the strengthening influences of association and fellowship; and, as we lay fresh offerings in the temple of a noble science and build new fires on her altars, let us cherish in our hearts the ennobling sentiment of brotherly love. In conclusion I would say we have doubtless most of us—aye, certainly, most of us in the land of many sorrows from whence I come—tasted the bitter fruits of the bloody and unholy war through which we have passed and wept over its dire calamities. We, as an association, had no agency in its creation. It belongs now

with all its disasters and miseries to the dead past, and, as we had no cause for quarrel then, we have none now for separation or estrangement. We may not forget our sorrows for the past, and we will still water with our most sacred tears the graves of our noble sons who fell victims to the strife. But, whenever there is grief at the heart, a tear for the ashes of the past, let us wipe from it all traces of bitterness, and drape its memories, and sanctify its sadness with the manly and Christian virtues of charity, forgiveness, and fraternal love.” This speech was copied into the public journals of every section of the country with but one expression of the strongest approbation for his patriotic endeavor to heal the wounds of fraternal strife, and enable both North and South without loss of self-respect to shake hands over the bloody chasm and bury forever the bitter past. A well-known literary gentleman who was present—the Nestor of the medical literary world—meeting Dr. Baldwin afterwards asked to shake him by the hand, and said, “Your speech has done more and will do more towards reconciling the different sections than all the resolutions and reconstruction acts introduced, or speeches made in Congress since the war.”

Previous to the annual meeting of the American Medical Association, held in New Orleans, in May, 1869, Dr. Baldwin, being desirous of securing a full attendance of the profession from all sections, addressed a letter to Dr. J. C. Nott, of New York, formerly of Mobile, in which he fully explained the sentiments of Southern physicians in regard to the association, and in return asked from Dr. Nott full information as to the feelings actuating the profession in the North. This correspondence was forwarded to Dr. E. S. Gaillard, Editor of the *Richmond and Louisville Medical Journal*, with a request for its publication, and is as follows:

[Letter 1.]

“MONTGOMERY, ALA., *March 15th, 1869.*

“DR. E. S. GAILLARD, Editor *Richmond and Louisville Medical Journal*:

“MY DEAR SIR: I send you this letter and

the enclosed correspondence between Dr. J. C. Nott and myself, for publication in your journal. You must pardon me, dear doctor, for the personal allusion contained in this correspondence to yourself. From the fact that you were an active participant in the late war and suffered deeply by its results, and from the additional fact that you have occupied a prominent position in the medical profession before and since the war, I thought I might take the liberty of referring to you as a true representative of the professional sentiment of the South. For the same reason I addressed a communication to Dr. Nott (formerly of Mobile, now of New York), who, it is well known, was a staunch adherent of the Confederate cause; who, at the advanced age of sixty years, gave up his professorship in a college to which he was devoted and of which he was the founder; relinquished his large and lucrative practice and neglected his then ample fortune to take a commission in the army of the South; serving in hospitals, in camp, on the march, in the front or wherever he was ordered, with all the devotion and faithfulness of his enthusiastic and honest nature. He had but three children, all sons; one lost an arm in infancy; the others, promising in a ripening manhood all that a father's heart could desire; both of these went to the field at the first call for troops and both perished in the army. When such men as yourself and Nott, from the medical profession, and General Wade Hampton, from the head and front of the army—all *representative men*—men who have, in the time of her greatest need, rendered distinguished services to the South, who have been torn and mutilated in person, lacerated and crushed in affections, wrecked and ruined in fortune, can take the proffered hand of friendship and urge conciliation, harmony and fraternization for the good of science and the welfare of the country, I think the personal allusion which I have made to you is pardonable, while it should put to the blush those few 'who still urge discord and alienation.' I do not think that a charge of egotism could lie against you in consequence of your publishing what I *think* or say of you. In

justice to me you cannot omit the reference to you, for by so doing, you would manifestly defeat one object of the letter. I have seen proper to use your name as a *representative man*, and in a manner to serve a purpose which is obvious throughout the letter, and the *facts warrant the allusion*.

"I am, dear doctor, very sincerely yours,

"W. O. BALDWIN, M. D."

[Letter 2.]

"MONTGOMERY, ALA., *March 2d*, 1869.

"DR. J. C. NOTT, New York:

"MY DEAR DOCTOR: As you are aware, the next meeting of the American Medical Association is to be held in the city of New Orleans, on the first Tuesday in May next, and I write to urge you to be present on that occasion. Your numerous old friends in the South would be most happy to meet you there; to shake you by the hand in this fraternal reunion, and to welcome you again to the scenes of your morning life. It must be gratifying to you to know, my dear, good old friend, when, in your solitary moments, memory sometimes takes you back to the home of your youth (to review the incidents of almost a life-time spent in active and arduous professional duties), that your cotemporaries here, who witnessed your devotion to the cause of science, whilst they appreciated the value of your labors, still hold in most affectionate remembrance that honorable courtesy and charity which ever distinguished your conduct towards your professional brothers. I am glad to be able to say, my dear doctor, that the spirit of your example still lives with us and, I believe, will teach us from the grave; will teach those who still labor in the fields you have left, when life with you shall have ended its hardest lessons. Nothing, I assure you, would give me, individually, more pleasure than to see your honest face on that occasion. It will be such a fitting time for you to meet us, and one which will probably never present itself again, when you could see so many of your old friends. My correspondence has been somewhat extensive during the past eight or nine months, and I feel

justified in saying that the great mass of the profession South is in full accord and sympathy with the association. You may have seen some little dissatisfaction expressed in newspapers over a *nom de plume*, indicating the author to be a physician, but I assure you such sentiments are confined to but very few and have failed to reach the great heart of the profession. I was grieved, however, to see even this manifestation of opposition to the great representative interests of the medical profession of this country. It has no root and can bear no fruits in science or general beneficence. This dissatisfaction grew out of the action of the association at its meeting in 1864, in relation to a preamble and resolutions introduced by Dr. A. K.-Gardner, of New York. These were, in fact, a remonstrance against the war ethics of the government, and, in substance, provided that the President of the United States, heads of departments, and members of the United States Senate be requested by the association to 'take such action as shall cause all medicines and medical and surgical instruments and appliances to be excluded from the list "called contraband of war."' The action taken on these resolutions by the association was to lay them on the table indefinitely, and which, in parliamentary *parlance*, I believe, means that it was 'not desirable to consider them' at that time. From this action, some have contended that the association lent its influence and support to sustain the government in this feature of its ethics of war. The beautiful preamble and resolutions referred to, as having been introduced by Dr. Gardner, are certainly a most graceful proof of a noble and generous mind, and must be regarded by all as the offspring of the purest and most unselfish charity and benevolence. Yet how far the language used by others in commenting upon this action of the association is justified by the facts; how far this body lent its influence and support to the government in the policy complained of, or to what extent it committed itself to the principle, by laying these resolutions on the table, are questions which may very well admit of differences of opinion. No member can claim for the association exemption from fair, frank, and honorable criticism, and, when thus conducted amongst ourselves, or through the legitimate channels of *medical* periodicals, with moderate language and in a courteous and respectful temper, I can see no objection to it, and think it may in the end lead to harmony of sentiment and unity of purpose. I have been particularly grieved, however, to see that some, in their zeal to discuss the points above referred to, have resorted to the columns of *newspapers* (devoted to common and general politics) for this purpose. The public feel no particular interest in controversies like this, and, in the language of our code of ethics, 'as there exists numerous points in medical ethics and etiquette through which the feelings of medical men may be painfully assailed in their intercourse with each other, and which cannot be understood or appreciated by general society, . . . publicity in a case of this nature may be personally injurious to the individuals concerned, and can hardly fail to bring discredit upon the faculty.' These injunctions, though applying to our daily intercourse with each other, are equally applicable to us in our associated and general relations. I am not prepared to say what the usages of modern warfare are on the points raised in Dr. Gardner's resolutions, or whether there are any recognized or established ethics among civilized nations on this subject. But that it is in accordance with the purest and highest dictates of humanity for belligerent powers to allow the enemy's sick and wounded to be supplied with medicines and surgical appliances from within their own lines, when they cannot be otherwise obtained, I think none will deny, unless the supply be at a time when such action might thwart the movements or prejudice the safety of an army. And, if the duty of regulating such matters had been assigned to the American Medical Association, or even to the army medical corps, and they had established or advised the establishment of an ordinance making these articles contraband of war, I should feel that their action had not harmonized with the spirit which has ever characterized the conduct of our

profession toward suffering humanity. This, however, was not the case, and I can very well imagine that those who voted against the association taking the action urged in the preamble and resolutions referred to, could give good reasons which influenced them, at that particular time, to desire no complication with their government upon a question, in the discussion and decision of which they were regarded as in no way authoritative, and the direction of which had been assumed by high government officials, who had long since established and practised a policy in reference to it. I assume, then, the broad ground that it was a question with which the association had nothing whatever to do, and one which was not properly before it for discussion; and, it seems to me, that it was expecting too much of our Northern brothers to suppose, that they, at a time when all the sinews of war were called most vigorously into execution, would place themselves in antagonism to their government upon a question which was entirely outside of their *professional position and accredited duties*. In doing so they certainly would have been transcending their legitimate sphere and meddling with the prerogatives of those to whom the regulation of the ethics of war had been assigned, and who claimed exclusive jurisdiction over the question. Subjects of this kind certainly formed no part in the plan of their organization. They were there solely for the purpose of discussing questions purely scientific and professional, and not such as grow out of civilized warfare.

“Whatever, therefore, was objectionable in the ordinance alluded to, the high functionaries of the government were alone responsible for it. It was a political and war measure with which the association had no more to do than did the Pope of Rome, or the worshipful grand master of a Masonic lodge, or any other humane and charitable individual, or Christian and benevolent organization, in the land. In fact, every man in Christendom was as much bound to remonstrate with the government, for any violation of the rules of civilized warfare, as were the members of the association. It is a very serious

and forced conclusion to say, that the association gave its influence and support to the government to maintain it in this policy, simply because it refused at that particular juncture to enter its protest against it, by the adoption of these resolutions. If, *as an association*, they had assumed a vindictive or hostile attitude towards the South and advised the adoption of this or any other cruel or unjust procedure on the part of the Northern government, there would have been just reasons for complaint on the part of Southern physicians. This, however, was not the case. The association simply held itself *firmly* to its *professional position*, to its *acknowledged sphere*, to its *accredited duties*, and refused to go outside of that position to discuss a question which concerned that body no more than it did any private individual in the land. It is not wise, nor is it required by any creed of general courtesy or ethics, that honor shall always forbid that which honor fails to sanction. Men are not expected or required to denounce every measure of which they cannot approve. There are often good reasons why they should not. Are they, then, to share the odium of measures entirely foreign to their sphere and beyond their control? There is certainly much difference between the man who commits crime and him who fails to remonstrate with the criminal! As well might we reproach and rebuke the High Court of Chancery for failing to lecture the world on the subject of religion, the giving of alms to the poor, or for any other philanthropic work which might be calculated to lessen the woes and mitigate the sufferings of fellow-beings. Society, and especially governments, have assigned to different individuals and classes their peculiar sphere and respective duties, and the world owes much of its harmony to this fortunate arrangement. We have our own code of ethics and etiquette, and our own standard of morals, and, if we adhere strictly to these, we cannot interfere with the ethics of war established by ordinances of government. One of the great reconciling principles in the philosophy of life is a proper regard for the rights, duties and principles of others. Whilst, by the

very nature of our calling, we are intimately connected with the interests of humanity, and should labor by every means rightfully at our command to promote its benefactions, we must be careful in our zeal for a good cause not to hazard the position and influence already gained by invading the precincts and prerogatives of others. The restraints and usages of governments in times of war may seem to us, in many particulars, unnecessarily harsh, oppressive and cruel; and, indeed, what civilian ever witnessed the operation of martial law who could not find grave objections, both to its humanity and equity? But when these have been ordained by persons to whom we are only subordinate, we cannot be responsible for results, and should, in no way, share the odium, simply by failing to place ourselves in open antagonism to them. As long as we labor with all the professional, intellectual and moral efficiency at our command, for the fulfilment of duties properly within our legitimate and recognized sphere, we shall have accomplished all the good for humanity that the world can reasonably expect or require of us. But even suppose the association did commit an error, in fact and in spirit, in failing to remonstrate with its government, as stated, where is the wisdom, at this day, of opposition to its future and permanent interests? Suppose that the feeble assaults which have been made upon it should swell into a hostility whose magnitude should in the end mar its progress, compass its disorganization, and defeat its claims to a grand nationality, who could receive credit for such a work? Where would be the glory of success or the fruit of such victory? Could science, could humanity, could the country thank one for such a service? What has brought the science of medicine to its present state of advancement but the labor of *intellects combined in organization*? Like the tiny insect which lays up its stores for the wants of winter, we too must acknowledge the great law which sanctions the wisdom of associated labor. The imperishable grandeur and usefulness of all sciences owe their highest development to organized effort. The future glories of the science of medicine in

this country lie embodied in powers yet latent in organization, and he who seeks to disturb this great element in its prosperity is no friend to progress.

“The animus of the association has shown itself to be honorable and kind in every reference made to its Southern members, during and since the war; honorable to itself, honorable to the profession, honorable, just and generous to the South. When I went to its last meeting (in Washington), I did so from a sense of duty and with the earnest desire of seeing the two sections united in their professional relations and purposes. I did not solicit any honors, and asked no man to vote for me for any office. Yet with a meagre representation from the South, they conferred upon me the highest office in their gift. I knew myself to be unworthy of the high distinction, and felt it was not intended for me. I knew it had a broader and higher significance than that of a mere tribute to personal and private ambition. I knew it to be in keeping with that kindly spirit displayed by the Northern delegates towards their Southern brethren throughout their ‘Transactions,’ and that it was but a fresh offering of the olive branch of peace. In this spirit I accepted it. No man asked me anything in relation to my political sentiments. I cannot boast of performances in the late struggle, but I have never disguised the fact from any one, that in all the earnest desires of the heart which constitute devotion to a cause, I yield to none in my loyalty to that which has gone down in the gloom of defeat, and for which those tender youths, your son and mine, fought side by side, and fighting fell for principles held dear by you and by me. I would not stultify myself on this point for all the honors which could be heaped upon me by the medical profession, or by any other class of men. Nor do I think my Northern brothers would respect me more for being false to my section. In the death of my boy I found the hardest heart-sorrow of my life, and the weary years which have since passed by have been powerless to still its anguish; and yet I could but feel a mournful pride in a knowledge of the



fact that he died on the field of glory, and *true to the land which gave him birth*. But the crushed affections and blighted hopes of the father, who has yielded a noble sacrifice to his country, as he sits in silent and sacred memory of his holiest grief, can find no relief by barbing the anguish of his heart with feelings of malice, hatred and revenge towards those who, in honorable combat, had been made the instruments of his sorrow. Natural affection does not require this; true manliness does not demand it. No, doctor, I do not wish to cherish feelings of bitterness with the memory of my son. I wish to forget all that is painful and harrowing to the heart, and to remember him as he was, the soldier, patriot and Christian, falling in honorable warfare, and that the hand which sent the fatal ball which deprived him of life was that of some brave and generous spirit, moved by the same high purpose, the same stern sense of duty, the same devotion to principle and country which guided and actuated him. So far from entertaining sentiments of unkindness towards our brothers of the medical profession North, growing out of this affliction, my only feeling has been, that if any one of them had been near him in that dreadful hour, his highest care would have been to have drawn, if possible, the fatal ball from his breast and restored him to life and health. How unwise and unprofitable it is to seek to mingle the temper of partisan strife with the affairs of a great science! If the gallant General Hampton, whose blood flowed so freely in the late war, and whose home, with the homes of his people, was consumed and made desolate by the flames of the Northern army, can speak gratefully of 'the spirit of conciliation, the magnanimity and kindness' of those 'who recognize us as no longer foes, but brethren,' can, for his country's good, declare his willingness to bury 'all past differences in one common grave,' to 'accept the right hand of fellowship . . . so frankly extended,' and greet as a 'comrade' him whose hand 'so lately grasped the sword,' but now 'bears the olive branch of peace,' shall we be so sectional and prejudiced as to nurse feelings of hostility to-

wards a brotherhood from whom we have ever received only evidences of marked kindness and honorable courtesy? If the talented and independent editor of the *Richmond and Louisville Medical Journal*, Professor E. S. Gaillard, who lost his right arm, when a medical director, in the discharge of his surgical duties on the field of battle, thus depriving him of all hope of further advancement in the special department which had been the choice of his youth, for which genius, education and a thorough method had so well prepared him, and to which the achievements of early manhood had already given such brilliant promise of successful ambition—I say, if he can advise that we should cover over the past 'with the mantle of personal and professional charity,' that we should 'take the outstretched hand, accept the offer of friendliness and reconciliation;' and that the reception of the '*medical men of America*,' when they assemble in New Orleans, in May next, should be 'not only a hospitable reception, but a warm, a manly and a generous welcome,' cannot those who never felt a wound, and can even jest 'at scars, lay aside feelings which can neither yield fruits to our noble science nor do honor to our manhood? Is any one vain or weak enough to believe that our Northern brothers will derive an advantage from fellowship, union and harmony which we will not share in an equal ratio?

"Pardon me, dear doctor, for trespassing so long upon your valuable time. I know you will excuse it in the interest which you feel in the general prosperity of the medical profession of the whole country, and especially in the desire which you feel to see your Southern friends come fully up to their duty in meeting the honorable advances which have been made by our Northern brothers, looking to a complete and perfect fraternization. I think the American Medical Association is to be the power through which a greater good is to be accomplished for the profession in this country than has yet been achieved. On this point you may perhaps hear from me at some future time. I will only say now, that its organization had its inception

chiefly in an idea which has not yet been realized—that of elevating the standard of medical education in this country. But I believe its labors in this direction will yet be felt and acknowledged. To this end, *it must be national* and represent the interests of the profession in every part of the country. Those who comprehend the grandeur of its germ, appreciate full well the ultimate possibility of its nature, and will see to it that the inspiration which gave it birth shall be worked to a final and successful end. The advancement of science, the affections of an enlightened brotherhood, the interests of society and the good of humanity are all united with it, and from every section I have the most gratifying assurances of a determination to bury all other sentiments in the one great purpose of promoting harmony and concert of action, with the kindest feelings of fraternal regard. Assure our friends of the North of this, and tell them we desire to meet them in large numbers in New Orleans in May.

“With assurances of the highest regard, believe me, dear doctor,

“Most sincerely and truly your friend,  
“W. O. BALDWIN, M. D.”

[Letter 3.]

“NEW YORK, No. 4 West Twenty-Second street.

“*March 8th, 1869.*”

“W. O. BALDWIN, M. D.:

“MY DEAR DOCTOR: Your letter of the 2d has just come to hand. I hasten to reply by return mail. Whilst I am fully sensible that your kind feelings for me have tempted you to speak in terms of praise beyond my merits, I have the vanity to believe that you do not overestimate my high sense of obligation to our noble profession; my unceasing efforts to uphold its dignity, and my endeavors to promote friendly feelings amongst its members. I have always maintained that we could not deserve or command the respect of the world, unless we respected each other and preserved a proper *esprit de corps*. When I was about to take my farewell of the people of Mobile, among whom I had lived for thirty years, the

leading citizens gave me a public dinner, and the members of the profession a handsome reception, at which I was presented with a piece of plate, on which was engraved the name of every regular practitioner of the city. This, to me, was a crowning glory of a long career, as it was grateful evidence to me that my constant efforts to keep the members of the profession together in brotherly love and usefulness had not been in vain. You may well believe then, my dear friend, that your present efforts in the same good cause, on a wider field, meet my hearty approbation and sympathy. I have nothing to suggest in addition to your excellent letter, which covers the whole ground at issue; it is temperate, honest, manly, and in every way becoming the high and responsible position in which you are placed. I doubt not it will be responded to by the profession, North, South, East and West, in the same spirit in which it was conceived. The construction you have given to the action of the American Medical Association, on the preamble and resolutions of Dr. A. K. Gardner, to which you refer, corresponds precisely with that I have heard expressed by all the members of the profession I have met at the North. The time of the association was fully occupied with matters that properly belonged to it, and these resolutions trenched upon political or military considerations which were foreign to the business of the association, which they could not influence. Any debate upon them might have led to unpleasant remarks from some impetuous member, and it was, therefore, best to lay them on the table. If such resolutions had been laid before any hundred members of our profession, during the war, at the South, what, let me ask, would have been the result? There is a statistical law that throws a certain per cent. of unwise heads into every assembly of this kind, and the less opportunity they have of talking, the better.

“Now, sir, I beg leave to say a word of my personal experience, since the war, at the North. Soon after the war closed, I was summoned to Washington as a witness in the Wirz trial, and seized the occasion to run over to Philadelphia

to see what I could discover that was new in the way of books, instruments, practice, etc., we having been shut out from the world for four years. Not only did the medical gentlemen of Philadelphia receive me politely, but they seemed to feel as if they thought I might feel some delicacy in presenting my rebel face in their midst, and were more desirous than I had ever seen them, of treating me with hospitality. About a year ago, I came to pitch my tent in the city of New York, determined to ask no favors of the members of the profession, and not one of them can say that I ever solicited an introduction to him; and yet, it would sound like egotism were I to tell of half the respect, the hospitality, and kindness I have received, both in and out of the profession in the city of New York. It is but justice to the faculty in New York to say that in tone, talent and attainment, it will compare favorably with that of the large capitals of Europe. But suppose we admit that the action of the association on the resolutions of Dr. Gardner was dictated by sectional and unchristianlike motives: this does not alter the case. The war is over; our prosperity and happiness depend upon our return to the former status of the country, politically and socially; passion and prejudice should be laid in the grave with the half-million of brave men that have been buried in the bloody strife. The olive-branch has been gracefully and cordially tendered by our medical brethren at the North to those at the South, and it is your duty to accept it frankly and in good faith. The medical profession has a great mission to fulfil. Medicine is not only a healing art, but is the mother of anatomy and physiology in their most extended sense; of botany, chemistry, mineralogy, geology, etc.; in fact, of all the natural sciences, from which have sprung the useful arts. It has been the great fountain from which have flowed the elements of civilization, from the foundation of the Egyptian empire to the present day. Now, my dear friend, will the medical profession at the South be outdone in magnanimity? will they permit a petty pique, or even the remembrance of a great civil war, in which,

perhaps, we were all to blame, to cross the path of science, and to mar a great enterprise like that of the Medical Association? God forbid! My many old friends must throw aside all minor considerations and come forward in sustaining your efforts to maintain the true honor of the South, the dignity of our profession, and the cause of humanity.

“Very truly your friend, “J. C. NOTT.”

In May, 1869, the annual meeting of the American Medical Association was held at New Orleans, La., and Dr. Baldwin, as President, delivered the annual address, in which, referring to the absence of sectional prejudice among the medical profession, even during the heat of active warfare, he said:

“To me, gentlemen, this occasion is one of solemnity and significance. Standing here in the great commercial metropolis of the South, I feel myself surrounded by men representing nearly every section of a country so lately arrayed in hostile strife. At a time when every other organization has been shaken to its centre by the passions of deadliest hate; at a time when the most matured conservatism has been overmastered by the vindictive fury which has swayed the popular mind; at a time when even instinct has been treacherous to its ends, you have been drawn hither from homes far distant, over highways full of painful historic incidents, through territories watered by the blood and tears of a sorrowing nation, and you have assembled here as brothers and friends to unite your offerings to a common science. The mournful witnesses of this terrific struggle have confronted your eyes; the shadowy phantoms still linger on the stage where these tragedies have been performed; the air we breathe has not yet lost its echoing groans of dying heroism nor the pathetic anguish of sorrowing relatives. Amid these circumstances so sundering to the most sacred companionships of life, you have met in the spirit of Him who is this world's greatest and best Healer—that Divine One, who, opening and continuing his ministry of service, by curing all manner of diseases, finished its

majestic self-denial in the reconciliations of the cross. Eight years ago we were separated by civil war. That war engendered the bitterest feeling in every other national organization, whether scientific, political, or Christian; but the members of this association, without words of crimination or reproach for one another, assumed the respective places assigned them by the obligation of citizenship. Through the long and bloody contest which ensued, this association, in its resources, honor and renown, was in the keeping of our Northern brethren, and during those memorable years, when the sense of bitter wrong and burning hate filled all hearts, and when friendships and affections born of the hallowed ties of consanguinity sent their messages—once of love and tenderness—at the point of the bayonet or through the cannon's mouth, what were the feelings which moved this association? At the first meeting, two years after the war began, they indulged only in expressions of profound regret that 'the brethren who once knelt with them at the same holy altar and drank with them at the same pure fountain had been separated from them by civil war, endangering thereby the claims of the association to an unselfish nationality, and robbing it of the presence and the counsel of many of its warmest adherents,' while praying at the following meeting that the period would soon come when we should again be 'one in our political, professional and social relations.' The same humane and catholic spirit continued during the war to mark the conduct of the members of this association. Each of the divided sections met the tasks required by its respective position. But wherever found, whether sharing the hardships of the campaign or discharging the duties of private practice, they comprehended the essential difference between what might prove on the one hand a transitory evil, and what on the other hand they knew would be a lasting good. Accordingly they remained the consistent representatives of a noble brotherhood. If they did not sink the patriot in the physician, they did not sink the physician in the patriot. The imperative instincts of each char-

acter, true to its trusts and faithful to its requirements, acted for themselves and in the direction of their own ends. Amid the shouts of battle and the shock of arms they raised themselves to the height and grandeur of their calling, and thus stood far above the embittered prejudices that encircled all other classes of men. So far from allowing the fugitive passions of the times to betray them from their professional allegiance, they vindicated their sagacity no less than their manliness by looking to the future—by contemplating results not the less certain because remote, by regarding with thoughts chastened and subdued that state of man in which the interests of life and death meet together; and by considering as paramount to all selfish motives the claims of that science with whose undisclosed mysteries they must yet wrestle for the well-being of mankind. Above all, they looked to the transcendent value of a virtue which should contrast in broad masses of light its purity and power with the corruptions and frailties of the hour, which should, by reason of its disinterestedness, diffuse itself through the affections of nations, and reach, in the large outgoings of its sympathy, the hearts of generations yet unborn. When at last this dispensation of carnage ended, and whilst as yet the war-path was crimsoned with the blood or whitened with the unburied bones of our brethren, this association again met. Like the surges of the sea, dark, tumultuous, raging, though the storm has passed from the sky and fled beyond the horizon, the meaner instincts of hatred, revenge and persecution still swayed the multitude. The mob of fanatical intellect unappeased and the mob of popular passions thirsting for new strife joined their hands to prolong the wretched alienation. The avenging angel had lifted his brooding wings from the landscape, and cried, 'It is enough,' but now other vials of wrath seemed about to be poured forth on a land hopeless because helpless. You then met to pour oil on the unquiet waters. Here was scope for a statesmanship, aye, for a generalship, grander than any which the war had developed. Here was the best of opportunities to inaugurate a new epoch of fraternal

sympathy. Nor were you unmindful of its solemn behests. True to your past professions of regret over our separation, you saw the vacant seats, in this association, of your Southern brethren, and, actuated by the higher instincts of manhood, and scorning the base ambition to degrade a fallen antagonist whom the saddest experience had taught the bitterest lessons of life, you set the nation an example of dignity, moderation and virtue to which no other organization in the land has yet had the wisdom or the sensibility to rise.

“Within a few weeks after the cessation of hostilities the association held its regular annual meeting in the city of New York, and there renewed with manly sympathy its former expressions of kindness, inviting us to come again and be their brethren. I quote their own language on that occasion when I say: ‘The unhappy feud which for years has divided the nation has ceased, and peace has come, we trust forever; so we hope soon again to meet our members and delegates from the South on the platform of fraternization, and to this end we extend to them a cordial welcome.’ At a subsequent meeting you repeated this sentiment in the following language: ‘We would fain meet again those from whom we have been separated, draw the mantle of forgetfulness over the past, renew to them the expressions of regard, and with them dedicate the hour and the occasion to the sacred cause of learning, friendship and truth.’ And when, at the last meeting, we met our Northern brethren, how were we received? They met us as equals in the past and equals in the present, saying, in effect, if not in words: ‘If quarrel we ever had, it is over; we have no explanations to offer, no apologies to demand; we know that we have done our duty; we feel that you have done no more, and that you would have been unworthy your noble vocation had you done less; we have guarded faithfully the institution so long left in our charge, in which we now claim but an equal interest with you; with the incense which we have burned in its sacred fane we have not permitted the poisonous spirit of party to mingle, and we now invite you to go

with us to the smiling and peaceful fields of that science whose interests it shall be our common work to foster and advance; here we will walk with you to the stern realities and sublime grandeur of labor and thought, and find in their quiet paths a relief from the gloom of the past; here we will divide with you the toils and share with you the rewards of labor, the labors of success.’ Against the insolence of the day; against its unreasoning pride, its overweening vanity and shamelessness, your conduct bore a moral protest, which, while acting directly on our profession, has had no small agency in producing those indications of a return to reciprocal sentiments of confidence and respect in which all the good men of the country rejoice. The mythical war between the Athenians and Amazons led, in the midst of arms, to the most intimate friendship between the leaders. When Pirithous and Theseus finally met on the plains of Marathon, after many a hard-fought battle, the former, regarding himself and army as captors, said to the latter: ‘Be judge thyself; what satisfaction dost thou require?’ The noble Athenian replied: ‘Thy friendship,’ and they swore inviolable fidelity, and were ever after true brothers-in-arms. Alas! that the nineteenth century has so often to recur to classical heathenism to find its illustrations of genuine magnanimity. Looking at these facts, am I not warranted in asking if any organization has emerged from our late convulsions with so much dignity? Has it not come forth from the sharp ordeal with those graceful virtues that belong to our higher nature? The world may have its conventional rules of intercourse between man and man—its creed of moral philosophy—its code of honor, its accredited formula of behavior, while it lavishes its praise on the charms of human brotherhood; but it has been left to the American Medical Association to teach practically the intellects of the land one of the most ennobling lessons on the dignity, beauty and glory of refined and civilized life: a lesson that not only hallows the spirit of our professional character, but instructs the physician in those spiritual sentiments which lead to the highest

virtues, among which are reckoned charity and forgiveness. Of the one we are told that the archangel, who never knew the feeling of hatred, has reason to envy the man who subdues it; while of the other it is said, that when we practise forgiveness to the man who has pierced our heart, he stands to us in the relation of the sea-worm, that perforates the shell of the muscle, which straightway closes the wound with a pearl."

After thus dwelling on the moral spirit of the association, he proceeded to discuss the subject of Medical Education, the elevation of which was the chief object for which the American Medical Association was organized. He contrasts at length the lax system of medical education tolerated in this country with the thorough and systematic course required of the student by the European system, and points out that the fundamental error in the American system is the defective nature of the preliminary education, and urges a reform in medical colleges which shall establish "a uniform and elevated standard of requirements for the degree of M. D." He advocates the establishment of one or more National Medical Schools or Universities which should confer such distinctions and privileges as would be proportionate to the superiority they demand, and such as would make the attainment of their diploma an object to the ambition of those who engage in the study of medicine; the chairs to be open to all aspirants, and the appointment or election of professors to be so guarded as to secure the very highest talents, the most profound learning, with the most fully demonstrated capacity for teaching. The salaries of the professors to be large and not dependent upon the number of students, and the Federal government to assume a proper share of the expenses incurred.

On the motion for adjournment, he delivered the following address, which was unanimously ordered to be published in the minutes of the association:

"GENTLEMEN: Before I submit the motion just made, and which, when adopted, will practically close my official relations to this body,

allow me to return you my most cordial and grateful thanks for the unvarying kindness which I have received at your hands. Whatever my future lot in life may be, the world holds no honors which to me can equal those conferred by you. The fraternal good-will which has so conspicuously marked your deliberations has been to me a matter of infinite satisfaction and pride, and will not be the least among the grateful memories which will gladden my heart as I may hereafter review the incidents of my official connection with you.

"To win your judgment and approval, to hold up the dignity of fellowship, the usefulness of association, and the interest and prosperity of the profession at large, have certainly occupied my most anxious thoughts since my elevation to this position; yet to cherish and promote the intimate and cordial relations of friendship between the individual members of this association against all sectional distinctions or geographical lines has also been among the chief objects of my ambition and the earnest desires of my heart. Could I now believe that my efforts have contributed in the slightest degree to enlarging that harmony of sentiment and fraternal feeling which has been so apparent throughout this meeting, I should feel that I had commenced at least to make some return for the great honor and kindness received at your hands.

"It now only remains for me, gentlemen, to again express to you my thanks, to wish you a safe return to your homes and labors, a happy reunion with your friends and families, and to pronounce that sad word, over which the heart of friendship would fain linger, as I bid you an affectionate farewell."

In March, 1870, at a banquet following the meeting of the Alabama State Medical Association, Dr. Baldwin, grouping together the noble names of the deceased members in one common association of worth and excellence, paid a manly and appropriate tribute to their personal virtues and scientific attainments, and concluded by saying:

"It is wise for us, as we look upon the vacant places of these worthies, to stop in the

midst of our festivities and contemplate the character of such men—to drop the tear of affection and esteem upon their memories, and to point to them as examples worthy the emulation of the junior members of this association, who must hereafter fill their places in giving character and direction to its proceedings. In all ages, in all countries, in all professions or callings, the man of genius, or the good man who dies, leaving the world wiser, better, for having lived, receives the homage and tears of the cotemporaries who survive him. If this be true of other callings, how much more so should it be with us when, as is too often the case, our men die of diseases entailed through their efforts to mitigate the sufferings of others.”

At the meeting of the American Medical Association in Philadelphia, in May, 1872, Dr. David W. Yandell, the President, delivered an address, in which he advocated a system of medical education diametrically opposed to that recommended by Dr. Baldwin. This address was reviewed by Dr. Baldwin in the *New York Medical Journal* of October, 1872, in scathing terms, as a weak and specious plea for cheap medical schools. He ridicules Dr. Yandell's preference for the American cross-roads doctor, for whose “rugged utility” the doctor had not hesitated to declare that he would exchange the cultivated method of the learned and accomplished physician of Germany. He vigorously combats Dr. Yandell's assertion that “clinical instruction should be the alpha and omega of a medical education,” and that “in the midst of these clinical demonstrations, physic is to be learned, and not by going to universities.” As a literary production, however, he compliments very highly Dr. Yandell's address, and pays a glowing tribute to Dr. Yandell's father, to whom Dr. Baldwin, as his pupil, was always deeply attached. At a meeting of the American Medical Association held in Louisville, Ky., in May, 1875, in response to the address of Dr. Bowditch, of Boston, Dr. Baldwin made the following remarks, which were highly eulogized by the press throughout the country:

“MR. PRESIDENT: I am glad to say to the

gentleman who has just taken his seat that long since Alabama shook hands with Massachusetts in fraternal reunion. I wish to renew the pledges of fraternal regard to-day, and with him express my high appreciation of the magnificent and almost boundless hospitality extended to our brotherhood by the resident physicians and citizens of Louisville. So conspicuous has been the fraternal good feeling which has met and mingled in all our meetings, largely through their actions, that I feel more than ever like exclaiming with De Wilton, when his lady-love had buckled on his spurs for the bloody field of Flodden:

“‘Where'er I meet a Douglas, trust  
That Douglas is my brother.’”

“Gentlemen, physicians of Louisville, I thank you, and through you the good citizens of your fair city, for your efforts in cementing the social bond of union which binds our brotherhood. By your hearty welcome, by your generous hospitalities, by your graceful courtesies, you have won the hearts of all whose good fortune it was to be here, and as a Southern man, and as an American, I wish to thank you. I wish to express my great gratification in meeting on this occasion so many of our professional brothers of the North—and when I say of the North, I mean from all those States against which the South has been so recently arrayed in arms. And, sir, I am not using a mere phrase or form of speech, but speak the sincerest sentiments of my heart when I express for these gentlemen my profound respect, admiration, esteem, and fraternal regard. The attitude of manly courtesy and kindness which they uniformly maintained towards their professional brothers of the South during the unfortunate struggle through which our country has passed could not have failed, I am sure, to excite the admiration of all who had opportunities to observe it. Avoiding in their proceedings when they held entire control of this association, all unpleasant allusion to sectional controversies, whilst they proved themselves true to their accredited duties, they were yet ever faithful to the sympathies and courtesies of brotherhood. The enlightened

patriotism which made them recognize the virtue taught in the lines—

“‘Lives there a heart with soul so dead  
Which never to itself hath said,  
This is my own, my native land—’

also taught them to respect that still dearer sentiment of the heart which esteems it no crime to cling to home before country, and which feels that there is an allegiance higher than patriotism due to firesides, to home-altars, and to household gods. Rising above the angry passions of the day with the loftiest instincts of human nature, the flush of victory did not betray them into acts calculated to embitter our past history or prolong our separation in the future. But with a kindness and cordiality unmistakable, they invited us, as soon as the bloody sword was sheathed, to resume our places in the association, and with a grace and wisdom worthy a position for the exercise of the highest statesmanship, have ever since received and treated us as their brothers and their peers. I never shall forget that, in the hour of our deepest calamity, when our country, resting from a fratricidal step, was still lashed by the fury of sectional hate, when a victorious army, leaning upon the dripping sword, was still urged to acts of new aggression by an embittered and maddened populace, the first voice of fraternal love and interest that reached the ears of the South came from the medical men of the North—members of this association, and in their associated capacity. Had the politicians or those who led popular opinion all over the two sections been moved by the same wise, generous and manly spirit, long since our miserably divided country had been of one mind and one heart, as I trust we are to-day. In Scotland's feudal wars, when royal James was heard to exclaim that he would give his fairest earldom to bid Clan Alpine's chieftain, so late his arch-enemy, and then a mortally wounded prisoner within his gates, live, that monarch conquered, through the power of magnanimity and the influence of kindness, a victory over the hearts of a rebellious people which legions of

Highland blades had failed to achieve. And in thus bringing a peace, in fact as well as in name, to his worn and distracted people, he brought higher honors to Scotland's king, than as Snow-down's Knight he had ever won for Roderic Dhu. And now, to you, our brothers of the North, I would say, in thus illustrating by your own beautiful example this touching incident in historical romance, it was then that you exhibited a wisdom which, for the good of our whole country, might well have been imitated by your statesmen. It was then that you showed your true nobility of soul; it was then that you revealed the genuine instincts and impulses of a true manhood; and, gentlemen, permit me to say that it was then that you gave us the right to love you as we do to-day." The references to the war and the decoration of the graves of both Confederate and Federal armies brought the moisture to the eyes of almost every one present. Dr. Gross was then loudly called for, but, after a few sentences, was so overcome with emotion that he was obliged to beg to be excused. All present were much affected, and there were but few in the audience whose eyes did not glisten with tears.

In March, 1877, Dr. J. Marion Sims, the distinguished gynæcologist and founder of the Woman's Hospital of New York, after an absence of twenty-five years, paid a visit to Montgomery. A reception committee of the Medical and Surgical Society of Montgomery welcomed him to the city, and invited him to a banquet given in honor of his arrival. Dr. Baldwin, as the only one left of Dr. Sims' confrères when he commenced his medical career in that city, and his intimate associate and companion, was selected by the society to receive the distinguished guest. After expressing the great pride which the members of the medical profession of Alabama felt in the renown which Dr. Sims had won since leaving its borders, and reminding him that he would recognize but few whom he had been accustomed to meet in former years, he said:

"Sir, we claim you as an Alabamian. South Carolina may assert the honor of having rocked



the cradle of your infancy and of having nurtured your boyhood, but it was here, in Montgomery, that your greatness had its first dawning. It was here that your genius found its earliest expression, and it was here it first took its flight and asserted its claims to the applause of strangers. It was here that your sleepless industry, your anxious toil, and your sublime fidelity to purpose carved out those surgical devices and appliances which have made your name so justly famous, and it was here that you first reduced those inventions to that practical utility in the treatment of the surgical diseases peculiar to females, which has not only challenged the admiration of the great and learned in your own profession, but has also won the homage of the crowned heads of Europe, and made your name a familiar word in all the great capitals of the civilized world. It is surely no small honor or trifling subject for pride and congratulation to the State which claims to be the mother of your early manhood, to see that the enlightened courts of the old world, with their splendid civilization, have recognized the vast resources of your genius, and the importance of those great discoveries which have justified them in ranking your name among those of the foremost men of the age, and in conferring upon you honors, titles and decorations due only to those who by their achievements in science, literature, art, or statesmanship have accomplished some grand purpose in life, or conferred some lasting benefit on mankind. It is, therefore, eminently proper, upon your visit to the home of your youth, after an absence of so many years, that your early companions, associates, and friends of the medical profession, should desire to greet you, and pay you that homage which is so justly your due. We wish, sir, to congratulate you upon the success of your labors and the usefulness of your life, as well as upon the splendor of the fame which these have given you. Indeed, sir, to those who, like myself, are familiar with the difficulties and struggles of your early professional career, the grand success of your life would seem almost as a romance, were it not for the solid and lasting benefits it has

conferred upon humanity. . . . In conclusion, sir, permit me to say, that if your achievements within the domain of science or if your exalted worth as a benefactor of your race should hereafter rear the monumental marble to perpetuate your name as a great physician, still those simple, unaffected, kind and genial qualities of the heart, so peculiarly your own, and so well remembered by the companions of your youth, will ever, with them, constitute the charm and glory of your life as a man." In his reply Dr. Sims, in referring to the fact that Dr. Baldwin and he were the only survivors of the men of 1840, said: "You are many years my junior, and I hope and pray that you may long live to advance the science you have done so much to improve, and dignify the profession you have done so much to adorn, and to exert among your brethren the benign influence that has characterized your whole life." In January, 1878, Dr. Baldwin was again elected President of the Montgomery Medical and Surgical Society, and delivered a masterly address, full of wisdom and thought worthy of the profoundest statesman.

In 1870, Dr. Baldwin, in seeking an investment for part of his ample fortune, decided to employ a portion in banking operations, and accordingly inaugurated and organized the First National Bank of Montgomery, in which he is the largest shareholder; in compliment to his great business capacity, and in consequence of the universal confidence in his personal integrity and high character, he was elected President by the shareholders, and the high position held by the bank is convincing proof of the care he has taken of their interests. Although he does not now seek practice, he still attends a large family connection, and is much sought after in consultation. He became distinguished as a practitioner of medicine in Montgomery in successful competition with such eminent men as Aimes, Boling, Marion Sims, Bozeman, and Berney, and though giving no special attention to surgery has performed most of the capital operations, and has never permitted a case to pass out of his office without making an attempt

for its relief. As an obstetrician, he holds the highest rank, and has devoted more time to that department than to any other of his profession: in the number of the *Richmond and Louisville Medical Journal* for April, 1872, he published a paper on "Irrigations of Ice-water as a Means of Arresting Hemorrhage in cases of Placenta Prævia," in which he reports a case of prævial placenta, where both mother and child were saved by the free use of this agent, and strongly recommends its use in similar cases. Among his contributions to medical literature may be mentioned "Remarks on Mustard Poultices, applied extensively to the Surface," published in the *Western Journal of Medicine and Surgery*, January, 1845; "Remarks on Trismus or Tetanus Nascentium, and on its identity with Traumatic Tetanus in the Adult," *American Journal of the Medical Sciences*, October, 1846; "Observations on the Poisonous Properties of the Sulphate of Quinine," *American Journal of the Medical Sciences*, April, 1847; "Observations on Spotted Fever," *American Journal of the Medical Sciences*, October, 1866; "Case of Glanders in the Human Subject," read before the Montgomery Medical and Surgical Society, 1868; and "Irrigations of Ice-water as a Means of Arresting Hemorrhage in cases of Placenta Prævia," *Richmond and Louisville Medical Journal*, April, 1872. He is Associate Fellow of the College of Physicians of Philadelphia; honorary member of the Gynæcology Society of Boston; member of the American Medical Association, of which he was President in 1869; member of the Medical Association of the State of Alabama, of which he has been President; member of the Medical and Surgical Society of Montgomery, and several times its President. Dr. Baldwin was married, December 7th, 1843, to Mary Jane Martin, daughter of Judge Abram Martin, originally of South Carolina, and, subsequently, Judge of the Circuit Court, Montgomery. This excellent lady, after a long and painful illness, breathed her last, September 18th, 1878. She had long been a resident of Montgomery, her honored father having removed to that city while she was yet in the

bloom of early womanhood. There she was married, there her children were born, and there, all along those changing years, the light of her beautiful life, devoted to duty and good deeds, shone with a sweetness and loveliness that can never fade from the hearts of those who knew and loved her. In all the land there was not to be found a woman truer in all the relations of life. She never grew weary of well-doing. She was an humble and loving Christian. Indeed, such was her modesty, such her humility, such her love and care for others, she little cared for self. She cared not for the applause and praise and fashion of the world. Duty and love—love of husband and children, love of country, love of friends, love of her Saviour and His church—these were the holy motives that ceased not to move her trusting heart. Since the death of her noble soldier boy, who at the head of his men received his death-wound at the bloody battle of Franklin, she seemed to walk in the shadow of a great grief. And yet such was the light that shone along that way of sorrow—light from the gates of glory—she never seemed to wish to move out of its hallowed path. Indeed, for these long years her path was as the shining light that shineth more and more unto the perfect day. She possessed all the attributes of mind and heart that enter into the composition of the highest type of female excellence, and to her wise counsel, noble example, and appreciative sympathy, her husband is indebted for many of the nobler aims of his career. She loved her country, and her devotion to the Southern cause was intense and absorbing. To the sick and wounded soldiers she was a tender and devoted nurse, and many of the heroes in gray confined in the hospitals received at her hands those soothing ministrations that only a true woman can bestow upon the sick and dying. To the poor she extended an open hand, and no object of charity ever sought her aid in vain, or went away empty-handed. Dr. Baldwin has six children living. Of his sons, Marion Augustus Baldwin is a young lawyer and an accomplished scholar; and Abram Martin Baldwin has lately

left the Vanderbilt University, Nashville, Tenn. One daughter is the wife of G. W. Craik, son of the Rev. James Craik, of Louisville, Ky., while the Misses Mary and Cecil, with the youngest, Alma, a child of ten, reside with their father.

Montgomery may feel justly proud of the long line of eminent physicians and surgeons who have honored her by their fame, and none of that brilliant band have attained greater eminence than Dr. W. O. Baldwin. A cotemporary of Aimes, J. Marion Sims, Boling, and others scarcely less eminent, he has outlived all but the distinguished gynæcologist, and is today without a peer as the leading physician in Alabama. He is in the best and grandest sense a representative Southern gentleman, with all that name implies of lofty moral character, refined and cultivated mind, spotless integrity, and warm-hearted generosity. Eminently conservative as a physician, his advice is sought by all sections of the profession, and in consultation his opinion is deemed indispensable. As an obstetrician, he is unrivalled in the South, and has no superior in this country. With strong personal magnetism, remarkable judgment, and ability to control his fellow-men, he has done more to cement the profession of his native State and to draw together all sections of the Union estranged by fratricidal strife than any man living. Extensively read in all departments of literature and science, and with a cultivated literary taste, his well-balanced mind and prudent habits have preserved his mental and physical vigor in a remarkable degree, and his warm heart and genial social qualities have endeared him to a large circle of friends and admirers in all parts of the Union.

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#### GENERAL WHEELER.

ALABAMA.

**J**OSEPH WHEELER was born at Augusta, Ga., September 10th, 1836. His father, Hon. Joseph Wheeler, an old and respected citizen of that city, gave his son every educational advantage

possible in the best schools of that period. William H. Wheeler, who organized the first Georgia company for the war, and whose life fell a sacrifice to the hardships of a winter campaign in Virginia, was a brother of the subject of this sketch. Joseph Wheeler entered the Military Academy at West Point, July 1st, 1854, being placed in a class having a five years' course, which thus afforded him an extra year's study at the academy, from whence he graduated July 1st, 1859. He was made Brevet Second Lieutenant of Dragoons, and assigned for duty at the Cavalry School, Carlisle, Pa., and from thence was ordered to New Mexico, where he was stationed successively at Forts Union, Craig and Fillmore, and engaged in several important expeditions against the hostile Indians. In February, 1861, foreseeing that war was imminent, he resigned his commission in the United States army and returned to Augusta, Ga., where he was commissioned First Lieutenant of Artillery in the Confederate States army and stationed at Pensacola, Fla. He shortly received his promotion as Colonel of the Nineteenth Alabama regiment, and at Shiloh, where he had two horses shot under him, was so conspicuous for his gallantry that he was recommended by the commanding general for promotion to Brigadier-General. In the many conflicts, including the fight at Farmington, Miss., by which the Federal advance upon Corinth was contested, the brigade which he commanded bore a prominent part. Upon the evacuation of Corinth his brigade was selected as the rear-guard. In the latter part of July, 1862, he was placed in command of the cavalry of the army of Mississippi, and in four days after taking command had penetrated the Federal lines, destroying bridges on their line of communication near Bolivar and Jackson, Tenn., and having several successful fights with the enemy's cavalry and capturing a small train with a number of horses and mules. A large Federal force, twenty times his number, was sent to capture him, but he brought his command back in safety. During the Kentucky campaign his gallantry and the brilliancy of his charges at

Mumfordsville elicited the admiration and compliments of the enemy, and at the battle of Perryville, by his stubborn resistance, he kept back, during the day, an entire corps of the Federal army. General Polk, in his official report, commended his gallantry for leading a charge in which a battery and a number of prisoners were taken. On the retreat from Kentucky he was appointed by General Bragg Chief of Cavalry, and, with a force not at any time exceeding one thousand men, so ingeniously and successfully guarded the rear of the army that the infantry were never called upon to fire a musket. General Buell, whose army General Halleck in his annual report stated to be one hundred thousand strong, and who was severely censured and relieved of his command for allowing General Bragg to escape from Kentucky, stated officially, that Bragg's rear was covered by cavalry more skilfully handled than had ever been known under similar circumstances. During this campaign Colonel Wheeler met the enemy in no less than thirty successful fights besides innumerable skirmishes, and upon the combined recommendation of Generals Bragg, Polk, Hardee and Buckner, was commissioned Brigadier-General and sent to Middle Tennessee. He was stationed at Lavergne, fifteen miles in front of the Confederate army, and sallied forth almost daily, frequently capturing foraging parties with their trains. In one of these engagements his horse was torn to pieces by a cannon-ball, his aide-de-camp killed at his side and himself painfully wounded by a fragment of a shell. During two months he was engaged in twenty distinct fights besides numerous skirmishes, and exhibited so dauntless a spirit that his soldiers gave him the soubriquet of the *Little Hero*. On the morning of the 26th December, 1862, General Rosecrans commenced his advance, and for four successive days General Wheeler manœuvred his command so as to hold the enemy in check until the Confederate army was prepared to grapple with him on the banks of Stone river. He took an active part in the battle of Murfreesboro, charging again and again upon the enemy's long lines, dis-

certing General Rosecrans' plans and causing him to detach a large force from the front of his army. General Bragg, in his official report of the battle of Murfreesboro, says:

"To the skilful manner in which the cavalry, thus ably supported, was handled, and the exceeding gallantry of its officers and men, must be attributed the four days' time engaged by the enemy in reaching the battle-field, a distance of only twenty miles from his encampments, over fine macadamized roads. On Monday night General Wheeler proceeded, as ordered, to gain the enemy's rear. By Tuesday morning, moving on the Jefferson pike around the enemy's flank, he had gained the rear of their whole army, and soon attacked the trains, their guards and the numerous stragglers. He succeeded in capturing hundreds of prisoners and destroying hundreds of wagons loaded with supplies and baggage. After clearing the road he made his entire circuit and joined the cavalry on our left." Then making mention of two other successful movements made by General Wheeler to the enemy's rear, he closes his report by saying: "General Wheeler was pre-eminently distinguished throughout the action, as well as for a month previous, in many successful conflicts with the enemy." After the battle of Murfreesboro General Wheeler was engaged in destroying the Federal lines of communication: nine large transports laden with supplies and an iron-clad gunboat were captured and burnt on the Cumberland river, while at Ashland immense supplies, covering several acres of ground, were destroyed. Being then joined by General Forrest's command every force of the enemy on the river was driven into the forts at Dover, closely pursued by the cavalry, who captured a battery of brass rifled guns, besides large quantities of ammunition and supplies and four hundred and fifty prisoners. The amount of stores destroyed in these various expeditions was so great that the second advance of the army of the Cumberland was delayed for fully six months. General Wheeler then received his promotion to Major-General, and the Confederate Congress passed a resolution of thanks for his daring conduct and

brilliant achievements, January 23d, 1863. At Shelbyville, in covering the retreat of General Bragg's army to Chattanooga, with but six hundred men he held twelve thousand Federal troops in check for four hours, and at the end of day headed a "forlorn hope" of sixty brave spirits to open the road for the escape of a portion of his command which had been cut off, and to place the wagon-trains out of danger; of these sixty but thirteen escaped. Wheeler, who was completely surrounded, charged through the enemy's columns, plunged headlong into the river, then swollen to a mighty torrent, and, amid a shower of bullets, escaped in safety to the opposite bank. During that hazardous but fortunate retreat General Wheeler engaged the enemy successfully at Tullahoma, Allisonia Bridge, New Church, Elk River Bridge, University Place, etc., and after Bragg's army had reached Chattanooga he frustrated a large Federal cavalry raid into Alabama. When Bragg's army retired from Chattanooga General Wheeler's command guarded the passes of the mountains, and was successful in checking General Rosecrans' right wing, which was endeavoring to penetrate to Rome. He bore a prominent part in the battle of Chickamauga, being hotly engaged during both days. During the 19th and 20th September he captured two thousand prisoners with a large train of supplies, and on the 21st routed and dispersed two columns of cavalry, capturing an entire train of wagons, four hundred and fifty prisoners and eighteen stands of colors. He then made a brilliant and successful raid into Tennessee; captured McMinnville and other posts on the road; destroyed an immense wagon-train, numbering at least one thousand wagons, in Sequatchie valley, taking more than one thousand prisoners, and almost completely cut off the supplies of General Rosecrans' army. With but little rest he was ordered into East Tennessee, where, in two days, Burnside's cavalry, the boast of "the army of the Ohio," under General Sanders, was beaten, captured, killed, scattered or demoralized by an inferior force under Wheeler, and their commander mortally wounded. He then joined

Longstreet and assisted in investing Knoxville, but being telegraphed for by General Bragg reached him, after travelling day and night, just in time to cover the retreat of his army from Missionary Ridge. From November, 1863, until May, 1864, all but two brigades of Wheeler's command was detached on duty in Tennessee, during which time he defeated General Thomas' attempt to occupy the fortified position at Dalton, and with about six hundred men utterly routed an entire brigade of Federal cavalry, capturing their camp and stores. On May 1st the Federal army of over one hundred thousand men, under General Sherman, commenced its advance against General Johnston's army of not more than half that number, and Wheeler's cavalry fought their advance step by step with a steady determination which a Federal correspondent described as "an abandon and desperation worthy of a better cause." At the battle of Dug Gap, Varnell's Station, Resaca, Cass Station, New Hope Church and Kennesaw, General Wheeler continued to hold the Federal army in check. Dismounting his men behind temporary barricades he repulsed the enemy's advancing lines, inflicting heavy losses at every step they marched, and with his cavalry defeated every attempt to turn Johnston's right flank.

On 18th June General Hood assumed command of the Confederate forces, and Wheeler with his cavalry was ordered to retard General McPherson who, with three army corps, was advancing upon Atlanta by way of Decatur. After several severe and brilliant engagements in which General Wheeler had less than one-tenth of the force to which he was opposed, he attacked a division of infantry forming the extreme left of the Federal army, carrying a formidable line of breastworks and capturing garrison, camp equipage and many cannon. In this engagement General McPherson was killed. General Sherman, in a despatch to General Halleck, about this time, with characteristic modesty thus communicates his plans:

*"July 26th, 1864.*

"GENERAL H. W. HALLECK: To-morrow we begin to move against Atlanta. At same time

I send around by our right a force of about 3,500 cavalry under General McCook; and around by the left about 5,000 cavalry under General Stoneman, with orders to reach the railroad about Griffen. I have also consented that General Stoneman, after he has executed this part of his mission, if he find it feasible, may, with his division proper, about 2,000 strong, go to Macon and attempt to release our officers and prisoners there, and then to Andersonville to release the 20,000 of our men there. Whilst these are in progress I will, with the main army, give employment to all the rebel army in Atlanta.

“W. T. SHERMAN,  
“Major-General Commanding.”

On the morning of July 27th, General McCook, with three brigades, numbering thirty-five hundred picked men, the flower of the Federal cavalry, crossed the Chattahoochee near Campbellton to strike the railroad at Lovejoy's Station, twenty miles south of Atlanta. Garrard and Stoneman, each commanding divisions numbering together nearly 7,000 men, moved towards Lithonia, there dividing: Garrard moving towards Lovejoy's and Stoneman southeasterly towards Macon. By midnight General Wheeler had attacked Garrard's flank, and at daylight drove him back towards Sherman's main army. He also despatched three brigades after Stoneman, and, leaving one brigade to watch Garrard, started with the balance of his command, now reduced to 1,000 men, after McCook, who, finding himself pursued, commenced a rapid retreat towards Newnan. Wheeler, overtaking McCook near Newnan on the 30th of July, attacked him with great vigor, and after four hours severe fighting completely defeated him, capturing 950 prisoners together with their horses, equipments, and artillery. The column which he sent after Stoneman was equally successful, capturing General Stoneman himself and 500 prisoners; the remainder of his command being scattered through the country. Wheeler pursued and defeated the various flying detachments from Stoneman's and McCook's command.

The total number of prisoners captured in these engagements amounted to 3,200, including one major-general and five brigade commanders, with two batteries and thirty wagons. The enemy lost over 800 killed and wounded, besides large numbers who were scattered through the country and never returned to the army. Thus was destroyed by General Wheeler one of the largest and most dangerous raids inaugurated during the war, with a force scarcely half that of the enemy. The absolute impossibility of feeding so many animals made it necessary to send a portion of the Confederate cavalry to the Federal rear, and accordingly on the 9th of August, General Wheeler, with about 4,000 men, started on a raid into North Georgia and Tennessee, during which General Williams, with two brigades and half the artillery, became separated and did not again join Wheeler's command. The result of his labors during this raid was the capture of Dalton, Athens, Marysville, Clinton, McMinnville, Lebanon, Liberty, Smyrna, and Lynnville, with 1,700 beef-cattle, over 100 wagons, 700 horses and mules, many stores, and 450 prisoners; the destruction of forage collected for Sherman's army in East Tennessee, and of several trains of cars loaded with supplies; and the complete stoppage of communication between Chattanooga and Sherman's army for twelve days, and between Nashville and Chattanooga for twenty-four days; besides bringing out from the enemy's lines over 2,000 recruits for his own and nearly 3,000 for other commands. All this was accomplished with a loss of about 120 killed and wounded. In the latter part of October, General Wheeler became convinced that Sherman was about to march through the country to Savannah, and with great difficulty gained permission to take a portion of his command into Georgia to defend some of the important cities. By rapid marching he succeeded in reaching his position south of Atlanta on the 15th of November, when Sherman, according to his official report, started on his march with 60,000 infantry and Kilpatrick's cavalry, numbering 5,500 men. General Wheeler repulsed the enemy in his attempts upon Griffin,

Forsyth, and Macon. After Sherman had crossed the Oconee, Kilpatrick started on a rapid raid towards Augusta, but was pursued by Wheeler and driven back with heavy loss upon Sherman's main army, thus saving that city with its magnificent powder mills, ordnance stores, and immense quantities of cotton. On reaching Savannah he held in check a Federal column which was endeavoring to cut the only line of communications, and thus enabled the small Confederate force occupying that city to withdraw in safety. The result of his operations was the protection of a large extent of country which would otherwise have been destroyed, saving the cities of Augusta, Macon, Forsyth, and Griffin, and capturing, killing, and wounding over 2,000 of the enemy. After the evacuation of Savannah General Wheeler's command guarded the country in all directions and frustrated all attempts to raid on the part of the Federals. An officer with President Davis, writing with reference to these operations, said: "The President was much impressed by the extraordinary activity, perseverance, indefatigable energy, and gallantry exhibited. Considering the strength of the enemy, your own small force, and the absence of all resources for supplying your losses, I do not think there is anything comparable to it in the annals of warfare. I am inclined to think the President is substantially of the same opinion."

In the latter part of January General Sherman commenced his march towards Augusta, which General Wheeler contested step by step. On February 10th and 11th he had a severe fight at Aiken, S. C., driving back vastly superior numbers of the enemy, and saving not only that city but the manufactories at Graniteville, and compelling Sherman to abandon his designs on Augusta. Governor A. G. Magrath, of South Carolina, "tendered him the thanks of the State for the defence of Aiken against Sherman's ruthless horde. At Columbia, S. C., and throughout Sherman's raid through the Carolinas, General Wheeler continued to oppose and harass his line of march. Near Johnsonville he attacked the enemy's cavalry, capturing General

Kilpatrick's sword and horse and 400 prisoners. At Averysboro he hastened to the relief of General Hardee, who was engaged with a largely superior force, reaching the spot in time to prevent the enemy turning his flank. At Bentonville he held the left of the Confederate army, and, on the evening of the second day, routed Mower's Federal corps after it had completely turned Johnston's flank and taken possession of the only line of retreat; by this skilful and daring movement Wheeler saved the Confederate army from certain loss. In the spring of 1865 General Wheeler was promoted to Lieutenant-General, having held a command continuously for two years and a half that entitled him to that rank, a longer period than any other officer in the Confederate service had retained continuous command of an army corps in the field. During the Federal march through South and North Carolina he captured or placed *hors de combat* more than 5,000 of their troops, and defeated them in more than twenty engagements. As Sherman followed Johnston through Raleigh, N. C., Wheeler covered the latter's retreat and surrendered with him at Greensboro. His farewell address is worth preserving:

"HEAD-QUARTERS CAVALRY CORPS,

"April 29th, 1865.

"GALLANT COMRADES: You have fought your fight; your task is done. During a four years' struggle for liberty you have exhibited courage, fortitude, and devotion; you are the sole victors of more than two hundred severely contested fields; you have participated in more than a thousand conflicts of arms; you are heroes, veterans, patriots; the bones of your comrades mark battle-fields upon the soil of Kentucky, Tennessee, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Mississippi; you have done all that human exertion could accomplish. In bidding you adieu I desire to tender my thanks for your gallantry in battle, your fortitude under suffering, and your devotion at all times to the holy cause you have done so much to maintain. I desire also to express my gratitude for the kind feeling you have seen fit to extend towards myself, and to invoke upon

you the blessings of our heavenly Father, to whom we must always look for support in the hour of distress. Brethren in the cause of freedom, comrades in arms, I bid you farewell!

“J. WHEELER.”

General Wheeler bore a prominent part in the battles of Shiloh, Farmington, the fights around Corinth, Perryville, Murfreesboro, Chickamauga, the first eight days of the siege of Knoxville, Ringgold, Rocky Face, Dalton, Resaca, Cassville, New Hope, battles around Kennesaw Mountain, Peach-tree Creek, Decatur, battles around Atlanta, siege of Savannah, Averysboro, and Bentonville, besides being under fire in over eight hundred skirmishes. As a commander of cavalry, General Wheeler had few equals and no superiors in the Confederate service. It would seem that the disasters which befell the Army of Tennessee occurred only during his absence: during the battle of Missionary Ridge, Wheeler was with Longstreet at Knoxville; when Atlanta fell, Wheeler was in Tennessee; during Hood's disastrous campaign in Tennessee, Wheeler was fighting Sherman in Georgia. At Perryville, Murfreesboro, Chickamauga, and during Johnston's masterly retreat from Dalton to Atlanta, General Wheeler commanded the cavalry, and, by his skilful manœuvring, contributed greatly to the success of the Confederate arms. His destruction of Rosecrans' train prevented the Army of the Cumberland from moving forward for six months after the battle of Murfreesboro; and his raid on Tennessee after the battle of Chickamauga, besides destroying immense trains and stores, drew Rosecrans' cavalry away from his army, and thus saved from utter destruction the Confederate army at Missionary Ridge. His promotion was unexampled for its rapidity: at twenty-two a Second Lieutenant in the United States army; a year later a First Lieutenant in the Confederate service; at twenty-four a Colonel, the following year a Brigadier-General, and then Major-General; at twenty-six a corps commander, and two years afterwards Lieutenant-General. With sixteen horses killed under him, and many others

wounded, General Wheeler passed through his eventful military career with only an occasional wound, his diminutive figure and restless activity seeming to give him almost a charmed life. Vigilant, energetic, full of fire and enterprise; thoroughly instructed in the duties of his profession, and perfectly conversant with the elaborate details of military organization; he was as well the brave and gallant soldier as the high-minded and courteous gentleman. General Joseph E. Johnston, writing to President Davis on Wheeler's name being presented for promotion, says: “It is needless to remind you of the fidelity, zeal, courage, and success with which General Wheeler has commanded his corps.” General Hardee, in a similar letter, bears this emphatic testimony: “You well know Wheeler's merit, but as I have served long with him, it may not be amiss to add that I have not met any one in the war more devoted to the cause, or any one more zealous, conscientious, and faithful in the discharge of his duties.” While General R. E. Lee, during his last visit to Savannah, in a conversation regarding the conduct of the war and its most noted commanders, said: “The two ablest cavalry officers which the war developed were General J. E. B. Stuart, of Virginia, and General Joseph Wheeler, of the Army of Tennessee.”

Since the war General Wheeler has practised law at Wheeler and Courtland, Ala., and though rendering important services to the Democratic party both in the State Convention and in the campaign, has steadfastly refused all invitations to become a candidate for Congress. In a speech delivered during the recent campaign he pays the following just and eloquent tribute to those who fought beside him in the war: “Southern soldiers who fought under Lee, Johnston, and Stonewall Jackson were governed by motives as pure, as lofty, as noble, and as patriotic as ever emanated from the human breast. Men not actuated by principle could never have swept Grant's army from the field of Shiloh or charged as they did the Heights of Perryville, or fought as they did at Murfreesboro, Chickamauga, and in the hundred battles



from Chattanooga to Jonesboro. Thirty-five thousand men, even though endowed with the firm and lofty courage inherent to the sons of our soil, could never have struggled for a hundred days with Sherman's trebly strong and trebly well-equipped and appointed army, unless also sustained by principle and patriotism. Men like these bear no malice or hatred in their hearts. Their hearts yearn for purity in all things. And in government their hearts yearn for the purity of Washington. They acknowledge and take pride in the endurance and courage of the Federal soldier. Their heroes who led the van of battle, the gray joins with the blue in crowning with the laurel wreath of fame. We stand without a murmur and hear the miscreant who never heard the sound of war shout 'patriot' for the one, and 'traitor' for the other. We walk with reverent step where sleep the Federal dead, each grave marked with monumental marble, and where over all the 'Stars and Stripes' will float, 'a sentinel' forever; and we only weep tears of sorrow, not of complaint, when we see the rude sepulchre of the Southern soldier who fell in the perilous front of battle—

"Shoulder to shoulder, *there* they rest,  
In line of battle *forever* dressed."

No monument but the green sod planted by the hand of heaven, no guide or sentinel to say to the visitor of those sacred fields: 'These are the graves of heroes.' But, my countrymen, glory and angels guard, and will always guard, with solemn round the bivouac of our heroic dead. Their lowly beds are patriots' graves, and let us, by continued acts of love and devotion to our country, prove to the world how truly we are patriots also. Their work is done, they sleep the peaceful sleep of death, and they wear an immortal crown of glory. They stand with Lee and Stonewall Jackson before the throne of our Almighty Father, and White Courts beyond the stars have already decreed that they, like Washington, were defenders of the principles of American liberty."

## HON. WADE HAMPTON.

## SOUTH CAROLINA.

WADE HAMPTON was born, in the year 1818, at Charleston, S. C. His ancestor, who first settled in South Carolina, moved there from Caroline county, Va. His grandfather, General Wade Hampton, was a distinguished officer during the Revolutionary war, and remarkable for his strong individuality of character, will and personal courage. His father, Colonel Wade Hampton, of Columbia, S. C., was a distinguished officer in the war of 1812, and an aide-de-camp to General Jackson in the memorable battle of New Orleans. He served with distinction in both branches of the Legislature of his native State, and was the wealthiest and most conspicuous gentleman, perhaps, who has ever lived in the South, and the foremost figure in the social life of old Carolina in the days of her greatest prosperity. In action, keeping aloof from politics while he maintained his interest in all that concerned the welfare of his State, he probably exercised among the public men of his day as decided an influence as any recognized leader of the people. His residence was divided between Richland county, S. C., and his large cotton plantations in Washington county, Miss.

His eldest son, Wade Hampton, the subject of this sketch, until the outbreak of the war between the States, lived a life which in contrast with his career since 1860 was as uneventful as that of most Southern cotton planters, except that he was many years before the war a member of the South Carolina Legislature, and was brought into the range of all the excited politics of the day. He was one of the richest planters in the State, and owned large tracts of land well stocked with negroes, and was distinguished as the most humane and indulgent of men in the management of his servants. He had the reputation also of being an enlightened and liberal agriculturalist. His residence at Columbia, S. C., was known both in Europe and America as the abode of splendid hospitality, and as one of the most superb residences in the United States.

His winters were always spent on his plantation in Mississippi, the paternal inheritance, where he used the leisure which the business of a well-organized plantation allowed him for the enjoyment of a cultivated taste for books, varied by an outdoor-life on horseback, and by the sports of hunting and fishing. Bear and deer hunting was a passion with him, and especially so the adventures and excitement of the bear hunt, to which he was devoted. The woodcraft which he acquired in this school of practice aided the genius of strategy which was born in him as an instinct, in making him one of the most successful military leaders who fought under General R. E. Lee the battles of the Confederacy in Virginia during the late war, and this without a particle of previous military education or training. In politics he belonged to the more moderate school of South Carolina opinion before the war, but when the people of the State had joined the movement of the entire South in 1861, he obeyed the call of South Carolina as Lee did that of Virginia, and in the cause of the South he raised one of the earliest commands for service in the field—the one well known in the first battle of Manassas and afterwards to the soldiers of both armies as the Hampton Legion. This Legion, consisting of infantry, cavalry and artillery, of which Wade Hampton was Colonel, in the early encampments around Richmond, was recognized as the élite of the various military organizations, and obtained the highest social honors then so profusely distributed among military men. Colonel Hampton contributed largely out of his private means towards the equipment of his command. Their flag was the patriotic gift of the ladies of South Carolina, and in accepting it the Legion had promised to defend it as long as one of their number remained. At the first battle of Manassas, Hampton's 600 infantry held for some time the Warrenton road against Keyes, and his personal gallantry was noticed in all accounts of the battle. His horse was shot dead under him, and he was severely wounded in the head, after fighting some time on foot with his rifle. In nearly all the battles of the Peninsula he was among the first in the fight. At Seven Pines he lost in killed and wounded more than half of his command, and was himself again severely wounded. After the battle of Gaines' Mill, he was promoted to Brigadier-General of Cavalry, and was afterwards with the renowned General J. E. B. Stuart in all his memorable deeds of daring. He was engaged in a number of detached enterprises of cavalry in Virginia during the second year of the war. In the early part of December, 1862, with a detachment of his brigade, he crossed the Upper Rappahannock, and surprised two squadrons of Federal cavalry, captured several commanding officers, and about 100 men, with their horses, arms, colors and accoutrements, without loss on his part. On the 11th of December he crossed the Rappahannock, cut the enemy's communications at Dumfries, entered the town a few hours before Sigel's corps, then marching on Fredericksburg, captured twenty wagons with a guard of about ninety men, and returned safely to camp. On the 16th of December he again crossed the river and surprised the pickets between Occoquan and Dumfries, captured fifty wagons, beating back a brigade of cavalry sent to the rescue. In the reorganization of Lee's army in 1863, preparatory to the Pennsylvania campaign, General Hampton was assigned to a brigade of cavalry and again zealously engaged with Stuart and the two Lees in the operations of that year. The most important of the cavalry affairs of this period was the battle of Brandy Station, and here General Hampton distinguished himself by his valor and devotion. In this bloody fight every field officer was wounded, as he successively took command of the brigade. When Lee's army occupied Chambersburg, General Hampton was appointed Military Governor, and the inhabitants have since borne willing testimony that they suffered no outrage whatever at the hands of the Confederates during that period. At Gettysburg he was three times wounded, and so badly that he had for some time to be absent from his command. Out of twenty-three field officers in his command, twenty-one were killed or wounded. The statement of its losses is quite sufficient to prove that the cavalry were not un-

worthy compeers of the glorious infantry of the Army of Northern Virginia, and that in the matter of hard fighting, Hampton contested the palm with the best of Lee's lieutenants. For his many brave deeds he was promoted to the rank of Major-General, and shortly afterwards to that of Lieutenant-General, and took command of the cavalry of Virginia after the lamented death of General J. E. B. Stuart. Thenceforth considered as Lee's master of horse, he had an important share in the great campaign of 1864, and obtained the most brilliant and valuable success of his military life. A part of General Grant's early combination against Richmond was a movement of cavalry under Sheridan to destroy Gordonsville and Charlottesville, with the railroads near those places, then to unite with Hunter in his attack on Lynchburg, and after the capture of that place the joint forces to move to the White House on the Pamunkey, from which point they would join the main Federal army or threaten Richmond. This imposing piece of strategy was completely frustrated by Hampton's celerity of movement and vigor of action. On June 10th he succeeded in placing himself in front of the enemy near Trevillian's Station on the Central railroad, and attacked the next morning at daybreak. In his official report of the action, General Grant claims that, on the 11th, Sheridan drove the Confederate cavalry "from the field in complete rout," and says when he advanced towards Gordonsville on the 12th, "he found the enemy reinforced by infantry behind well-constructed rifle-pits about five miles from the latter place, and too strong to successfully assault." There was not an infantry soldier in arms nearer the scene of action than with General Lee's army at Cold Harbor, and "the well-constructed rifle-pits" were nothing more than rails put up in the manner in which cavalry were accustomed to arrange them to prevent a charge. Sheridan mistook some of Hampton's cavalry dismounted and fighting on foot for infantry: he saw infantry "too strong to successfully assault," and the statement was eagerly seized by his superior to cover his shame and mortification of defeat—it was

indeed a decisive check. Sheridan was defeated at Trevillian's, was punished in the skirmishes at the White House and Forge Bridges, and was routed at Samaria Church. Nearly 1,000 prisoners were taken, and from the last named place the enemy was pursued within two or three miles of Charles City Court-House, his wounded scattered over the ground upon which he had fought. Sheridan retreated to Wynoke Neck in order to cross the James under the protection of the gunboats, and Hampton, in accordance with instructions from General Lee, moved, on the 20th of June, to the pontoon bridge, with a view to cross and join the army on the south side of the James. This closed his operations having for their object the defeat of Sheridan's movement in the rear of Lee. He at once commenced another operation, which was to intercept Wilson, who was returning from Staunton river bridge to rejoin Grant's army. Some infantry and artillery having been placed at Ream's Station, Hampton moved with his division to attack the enemy at Sappony Church. Here he broke the enemy's lines and fought him for several days, while Fitzhugh Lee at Ream's Station crowned the victory and achieved a brilliant success of his own. In this affair Hampton took 800 prisoners. The history of these few weeks is thus officially related by General Hampton:

"During this time—a period of twenty-three days—the command had no rest and was badly supplied with rations and forage; marched upwards of four hundred miles; fought the greater portion of six days, and one entire night; captured upwards of a thousand prisoners, many guns, small arms, wagons, horses and other material of war; and was completely successful in defeating two of the most formidable and well-organized expeditions of the enemy. This was accomplished at a cost, in my division, of 719 killed, wounded, and missing. The men have borne their privations with perfect cheerfulness, they have fought admirably, and I wish to express not only my thanks to them for their good conduct, but my pride at having had the honor to command them." Perhaps General Hampton's most grateful enterprise in Lee's

army was the famous "beef-raid," in which he made a considerable and most timely addition to the Confederate commissariat. On September 16th he got in Grant's rear, east of City Point, and drove off 2,486 beeves, and 400 prisoners. It was a joke well relished in an army of half-starved soldiers, and, as the beeves were estimated to weigh an average of 800 pounds each, close on 2,000,000 pounds of meat was a most substantial and welcome augmentation of their meagre rations.

During the march of General Sherman through South Carolina, General Hampton was detached from General Lee's command to join the forces then under Beauregard. Here he could only harass the enemy as he advanced, and punish the murderous and marauding cavalry of Kilpatrick. The latter he did very effectually, once surprising Kilpatrick's camp, and causing him to take hasty flight with no other garment than his shirt. But his reduced command could do little to restrain the outrages of Sherman's main army. He was ordered to leave Columbia without a fight, and compelled to abandon his own home there to the torch of the enemy, who spared nothing in a city filled only with women and children. When Sherman's army marched northward to Charlotte, it was preceded by a gang of men called "bummers," who robbed, plundered and murdered with impunity. Worse villains never went unhung. Some of them, Sherman said, had been killed after capture, and he wrote Hampton a very characteristic letter, stating he would hang man for man. Hampton replied he knew nothing of the killing of his "foragers," as he called them, but he gave him fair warning that if he hung a single Confederate soldier he would hang two Federals; furthermore, he told Sherman that he had directed his men to shoot down any soldier found burning houses, and that he should continue to do this as long as Sherman disgraced his profession of arms by destroying private dwellings. "Your line of march," said Hampton, "can be traced by the lurid light of burning houses, and in more than one household there is an agony far more bitter than

death—a crime too black to mention." In outrages such as this, the war found its fitting conclusion, and the chivalric and honorable protest of such men as Hampton was scarcely heard in the midst of the general ruin, and almost unnoticed in the boast and clamor of the Federal success. General Hampton ended his career in the war as Lieutenant-General of the cavalry of Lee's army, and was one of Lee's most trusted lieutenants. The war ended, he sheathed his sword, and gave in anew his sworn allegiance to the constitution and laws of the United States. On the close of the struggle there were many Southerners who, in the first bitterness of their disappointment and defeat, were disposed to abandon their land, and to organize schemes of emigration to other countries. General Hampton discouraged all such schemes, and published a letter dissuading his countrymen from general emigration, advised them to remain at home, and devote their energies to the restoration of law and order, the re-establishment of agriculture and commerce, the promotion of education, and rebuilding of the dwellings and cities which had been laid in ashes. To accomplish this he urged that all who could do so should take the oath of allegiance to the United States government, so that they might participate in the restoration of civil government. Speaking, in 1866, of the abolition of slavery he said: "Of all the inconsistencies of which the North has been guilty—and their name is legion—none is greater than that by which she forced the Southern States, while rigidly excluding them from the Union, to ratify the constitutional amendment abolishing slavery, which they could legally do only as States of the Union. But the deed has been done, and I, for one, do honestly declare that I never wish to see it revoked. Nor do I believe that the people of the South would now remand the negro to slavery if they had the power to do so unquestioned." He urged the people of the South to fulfil to the letter all obligations they had entered into, keeping their faith so clear that no shadow of dishonor could fall upon them; that they should render full obedience to the laws

of the land, reserving to themselves the inalienable right of freedom of speech and of opinion, and that as to the great question, the abolition of slavery, they should declare it settled forever.

Continuing to bear an active part in public affairs, and ever proving his moderation, his devotion, and his high ability, attention was naturally directed to him as a fitting leader for his party as the eventful contest of 1876 drew near. The life-long friend and protector of the negro—before the war in the patriarchal relation of an indulgent master to his slaves, and since the war as the kind and just landlord to his former slaves, now his tenants and laborers—and as the exponent of the character and the intelligence of South Carolina, he was peculiarly qualified to become the standard-bearer of the Democratic party in its campaign for the redemption of the State. Than he no man could have been better selected to give assurance to the country of the sincerity and truthfulness of the pledges made in their platform. Than his no name could have been chosen better calculated to strike terror into corrupt radical leaders in the State, and no name in the State so well carried to all the native colored people of South Carolina the quieting assurance that their rights would be fully protected, and their best interests in connection with those of the white people most sacredly preserved. His nomination on the Democratic ticket for Governor was the natural outcome of the situation.

The contest was a memorable one. The whole power of the Federal and State governments was brought to bear to crush the Democratic party. All the political machinery of the State, wielded by men totally unscrupulous in the use of it, was directed to the sole end of perpetuating a rule which was a disgrace to civilization. Bayonets in the hands of the paid soldiery of the common country gleamed, in palpable violation of the constitution, at every polling-place in South Carolina. The people of the State, broken by years of misrule and oppression, were almost hopeless, and were confronted by opponents bold, confident and defiant, thor-

oughly disciplined and bound together by the cohesive power of public plunder. Driven almost to desperation, and trusting alone to the justice of their cause, and recognizing the supreme necessity of saving their State, the people by a common impulse dedicated themselves to the patriotic work, and after a struggle, as heroic as ever waged, redeemed the land of their fathers—the “prostrate State”—from the abyss of shame and ruin into which alien hands had plunged her, and restored her to her hereditary place amid the sisterhood of States. They achieved success against every probability. They worked out a political miracle greater than any ever achieved by a people, and they achieved this because they were true to themselves and their principles.

How the defecated radicals sought to avert the consequences of their defeat, how they invoked force to invalidate the expressed will of the people, and nearly precipitated the State into a bloody contest, is matter of history so recent as to render rehearsal unnecessary in this connection. But it is not too much to say that only the magic of General now Governor Hampton's personal influence saved South Carolina from a sanguinary massacre. By his firm but temperate and conciliatory bearing he not only restrained those at home, but influenced those afar, and opened the way to the peaceful settlement, which was one of the first notable events of the Hayes administration. Had he rendered no other services to his native State than that comprehended in the great struggle of 1876-77, he would deserve to be held in grateful remembrance by all true-hearted South Carolinians for all time.

That he should be re-elected to the Governorship in the next ensuing campaign of 1878 was inevitable. He had rendered opposition impossible. Shortly after his installation for a second term, he was elected to the United States Senate by the Legislature, and resigned the Governorship in order to take his seat in the national councils. His doing so, however, was delayed for some time by a fall from a mule while out shooting, in which he sustained a frac-

ture of a leg. Amputation of the limb was found to be necessary, and for months his condition was very precarious, and bulletins of his health were published almost daily, so great was the public anxiety. As soon as he was permitted to undertake the journey, he proceeded to Washington, where he has served his State with devotion and discrimination.

General Hampton has been twice married. His first wife was the youngest daughter of General Francis P. Preston, of Virginia, by whom he had three children, two of them becoming officers in the Confederate army. After the death of this lady he married the daughter of Governor McDuffie, of South Carolina, who died some years since.

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#### COLONEL J. M. HECK.

NORTH CAROLINA.

**J**ONATHAN MCGEE HECK was born in 1831 in that section of the Old Dominion which now constitutes West Virginia. His education was begun in the schools of his native place, and finished at Rector College, in the county of Taylor. He studied law with Edgar C. Wilson, at Morgantown, Monongahela county, where he entered upon the practice of his profession, in 1857, in partnership with the Hon. P. H. Keck. Previous to the civil war he was elected Commonwealth's Attorney of the County of Monongahela, and was a Colonel of militia, a company of which paid him the honor of adopting his name. When the civil war broke out he at once proceeded to the political front, and to the military front as soon as one was formed, having been a member of the Virginia Convention of 1861 that passed the ordinance of Secession, which he signed, and sent afterwards by General Lee to the Valley of Virginia, where he organized and commanded the 31st Virginia Regiment, and took part in the battle of Rock Mountain, at which, with a part of his command, he was taken prisoner by the Federal

forces under General McClellan, and not exchanged until late in 1862. When exchanged at last, he found himself without a command, in consequence of the reorganization of his regiment during his imprisonment; whereupon the Confederate War Department, recognizing his talents for the organization of labor, requested him to undertake the manufacture of bayonets and munitions of war for the government, which he did, engaging later in mining for iron and copper.

At the close of the war he made a vigorous attempt, in conjunction with other public-spirited Southerners, to promote the settlement of Northern people in North Carolina, establishing for the purpose an office in New York city, and distributing broadcast pamphlets, maps, reports, circulars, and the like publications. This movement was the first exhibition of enterprise on the part of the South after the war, and succeeded in setting in motion a goodly emigration to North Carolina, not less than eight hundred applications for land in that State having been received; but the attempt was eventually defeated by the confiscation policy of Mr. Thaddeus Stevens and the quarrel between President Johnson and Congress. He then turned his attention to the development of the resources of the Old Pine State by means more direct, if less comprehensive, and became the moving spirit in the establishment of the Deep River Manufacturing Company, of which he is the President, and whose operations in raising iron ore from the famous Buckhorn bank, in deepening and rendering navigable forty or fifty miles of the Deep and Cape Fear rivers, and in facilitating transportation by placing a steamboat on the former river, have largely contributed to the advancement of the iron industry in the State, and bid fair to continue until the Cape Fear river is made navigable from its mouth to its junction with the Deep. He is also a director in the Cape Fear Iron and Steel Company, established to manufacture the iron ore raised from the mines of the Deep River Company, and was the first in the State, if not in the South, to Spiegelize the metal. Hitherto char-



Yours very truly  
J. M. Heck





coal only has been used by this company in manufacturing: for, although coal exists almost alongside the iron mines, the company as yet has not utilized it, but will do so as soon as they complete their navigation works on the river. There are on the company's property saw mills and grist mills, and they will soon have cotton mills at some of their immense water-powers, made by their navigation dams, in full operation, but, owing to the depressed state of the iron market, the company itself is now idle, as is the Deep River Company. In addition to his interest in these companies, he is extensively interested in an iron furnace and iron mines, known as Danbury, in Stokes county, N. C., where his purpose is to make fine iron, to take the place of Swedish Dannamora iron, now extensively imported for the manufacture of steel, and in the white soapstone quarries in Moore county, N. C.; and owns copper and iron mines in Mecklenburg county, Va., as well as large coal beds in East Tennessee, on the line of the Knoxville and Ohio Railroad, which are now being worked on an extensive scale.

Since the war he has introduced into North Carolina, in connection with the single interest of mining, at least half a million of capital. Nor has his intelligent activity been restricted to this interest. He was at one time a Director of the Raleigh and Augusta Air-line Railroad, which runs through the property of the Deep River Company; and he has at present several large plantations in Warren county, N. C., and carries into agriculture the enterprise and energy which distinguish him in mining and manufacturing, cultivating cotton, tobacco, fruit and grain, promoting the cultivation of clover not only for the feeding of stock, but for the improvement of the land, and being perhaps the largest fruit-grower in the State, having more than fifteen thousand fruit-trees on one plantation, and proving himself a zealous friend of the State Agricultural Society, of which he is Vice-President, and in the proceedings and discussions of which he is an active participant. Like all Virginians, he is very fond of horses, the breed of which he has done much to improve by

the introduction of the finer strains. He has shown himself particularly efficient in the art of which Themistocles boasted; and, though it cannot be said that he has made a small city great, he has, at all events, in the case of the capital of North Carolina, aided powerfully in making a considerable city greater, not only by the judgment and skill with which he has built up the suburban parts, but by the stimulus which his successful example has applied to others, the result being that the value of real estate around Raleigh has nearly doubled in the course of the last few years.

In politics he has always been a Democrat, but since the war has not held or sought a political office, having given his undivided attention to developing the vast and varied resources of his adopted State, which has felt, in all its parts and all its interests, the quickening influence of his enlightened enterprise. He is a member of the Baptist Church, into the fellowship of which he was baptized by the Rev. Dr. T. H. Pritchard, at Raleigh, in 1864, and is as prominent and effective in his devotion to the moral as to the material interests of the Commonwealth, having been President of the North Carolina Baptist State Convention, as likewise of the North Carolina State Sunday School Convention. Always a friend of education, he was one of the three who founded the Raleigh Female Seminary, and is a Trustee of Wake Forest College and of the Baptist Theological Seminary, at Louisville, Ky.; also for many years Superintendent of a great Sunday school, numbering six hundred scholars and fifty officers and teachers. He is, in fact, closely identified with all the aims and movements of the Southern Baptists. His active benevolence, however, is not bounded by sectarian lines, and, like the rest of his qualities, has the power of communicating itself, he being not merely charitable himself, but the cause of charity in others. To his abilities as an originator, organizer and administrator, he adds the faculty of ready and lucid speaking, and is thus equipped in every respect as a controller and leader of men. In short, he is a thoroughly live man, brimful of force and prac-

tical talent, which acts in all directions without waste and to useful ends—such a man as Sir William Jones delighted to contemplate as the unit of the State.

He married, in 1859, Mattie A. Callendine, daughter of Martin B. Callendine, a merchant of Morgantown, W. Va., and to her wisdom and prudence he ascribes much of his success.

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DR. A. Y. P. GARNETT.

VIRGINIA.

**T**O be born a gentleman, and reared as such, to prove worthy of one's birth and training, is of itself a high honor. Many men are born such. Many are reared as such. By no means so many achieve the distinction last referred to. The subject of this sketch has more than maintained the trust of gentle birth and training committed to his keeping. For over a century the Garnetts, the Mercers, the Battailes and the Willis, of Virginia, have been known in every part thereof, and whether in State or Federal politics, or in Revolutionary or subsequent wars, have made their mark. The monument upon the battle-field of Princeton marks the spot where General Mercer, of Virginia, fell, sword in hand, pierced by Hessian bayonets, fighting to the death in the war of the Revolution. For nearly fifty years the Essex district was represented in Congress by the Garnett family, of Virginia; and for a like space of time the abounding wealth and hospitality of Byrd, Willis and Hay Battaile contributed in no small degree to the world-wide reputation of Virginia gentlemen. In the Mexican war, at Cheat Mountain, at Gettysburg, the Garnett blood was spilt for Virginia, and it is not unsafe to predict that it has been transmitted untainted to those who, should occasion arise hereafter, will maintain the family prestige.

The writer of this is a firm believer in blood and pedigree, whether in horses, dogs, or men, but he yet bears in mind that the tenth chapter of Genesis, while doubtless interesting to such

members of the family of Ham and Cush as have a genealogical turn of mind and recognize their ancestry, is fatiguing to the general reader; nor is he unmindful that while Americans pretend to despise that which they really worship, to wit, ancestral renown, it would be improper to incorporate a family tree into a mere running sketch, such as this must necessarily be. Suffice it to say that Alexander Yelverton Peyton Garnett, the subject of this sketch, born at the family residence, in Essex county, Va., September 19th, 1820, the son of Muscoe Garnett and Maria Battaile, his wife, derived his descent from, or was the near blood-kin of, those distinguished Virginians above referred to.

His early surroundings were well calculated to make impressions, enlist affections, and stamp characteristics upon his heart and mind, such as the most casual acquaintance cannot fail to discover now, even after his long separation from the home of his nativity. He was one of a community where wealth was not the mere instrument of ostentation and newly assumed arrogance, but sat naturally upon its hereditary possessors, and was applied legitimately to the pursuit of happiness, as God intended it should be; where labor leaned affectionately upon the support of capital as its patron and protector, instead of glowering upon it as a wild beast upon its keeper; where woman, too gently sweet to shock her femininity with a demand for man's privileges, taught him to lisp his first prayer to God, while man taught him from his cradle to look up to woman with a tenderness and respect next to that due to his Creator. He lived among men and women who believed in honor as something more than a fancy; whose pride scorned false speaking or false acting, and who cherished patriotism as something more than a garment to be put on and off, as best suited self-interest.

And with all these healthful influences were mingled manly sports and social reunions, which developed the physique and gave him that knowledge of the world, and ease and grace in all society, which has been not the least instrument of his success.

His boyhood was spent at his home, and his education conducted under private tutors without incident worthy of relating. At the age of nineteen he entered the Pennsylvania University, as a student of medicine, and, graduating in the year 1842, passed his examination by the Naval Medical Board with distinction, and secured, through Hon. George E. Badger, then Secretary of the Navy, an appointment as Assistant Surgeon in the navy of the United States. This appointment opened to him quite a novel career. His first cruise was to the Pacific, under Commander C. K. Stribling, on the United States ship "Cyane," during which he visited the ports of Rio de Janeiro, Valparaiso and Callao, returning to the United States in the fall of 1844. His second cruise was to South America, upon the United States frigate "Columbia," commanded by Commander Rousseau. While in the port of Rio de Janeiro he became a visitor in the family of Hon. Henry A. Wise, of Virginia, then Minister from the United States to the Court of Brazil. The result of this acquaintance was his marriage to Miss Mary Wise, the oldest daughter, soon after their return to this country, which occurred in the fall of 1848. After his marriage he was stationed temporarily in Washington, D. C., and upon being ordered to sea, soon thereafter, he resigned his position in the navy and entered upon his new career as a civil practitioner. From the first his career was attended by marked success. To a strong will, a good education, a large acquaintance and most captivating address, Dr. Garnett added an excellent discriminating mind, an unusual store of practical common sense, an intuitive diagnosis, without which scientific knowledge is a useless accomplishment, an untiring energy, and above all a sympathetic nature, which not only lights the intelligence to the patient's malady, but supplies a healing balm to the sufferer better than half the nostrums of the pharmacopœia. The result of this happy union of advantages was that in a few years he had gained the front rank in his profession, had been elected to the chair of Clinics and Practice of Medicine in the National Medical College,

and had made an unusually large circle of friends and acquaintances, and reaped a handsome reward in reputation and pecuniarily.

Although never actively engaged in politics, for his professional employments engrossed his whole time, few men in the country enjoyed better opportunities for understanding the political situation.

The professional arena is at best circumscribed. The routine of medical duties is seldom varied by incidents calculated to appease the longings of a highly wrought nature for excitement, and so it is that we often find leading men in both law and medicine, bound to their calling by a sense of duty, and yet never so happy as when indulging in truant political excursions. And as a class such men are better informed and infinitely more entertaining than the political hack, for their knowledge is acquired *con amore*, while his has that flavor of the shop which never fails to disgust.

Of an ardent temperament, and possessed of a truly Virginian family and State pride, Dr. Garnett could not fail to have his sympathies deeply interested in the exciting issues which engrossed politicians at the national capital during the years immediately preceding the Confederate war. The family physician of many of the leading politicians of both parties; always anxious to hear the views of those with whom he agreed, and equally ready to combat every position of an antagonist with great force and equal warmth; closely related to Senator Hunter, Hon. M. R. H. Garnett and Governor Wise, then in the heyday of their power, and the constant attendant and intimate of such men as Breckinridge, Floyd, Douglas and Caleb Cushing—he soon became known as an ardent Southerner in his sympathies, thoroughly posted in political matters, and possessing a political influence seldom enjoyed by physicians of his grade. So far was this reputation from impairing his medical standing, either with the public or those who differed from his views, that he maintained his popularity with all classes up to the moment that he left Washington for the South, and his honest, outspoken political convictions won him personal

friends, by their frankness, from even his political opponents. His busy-going doctor's cab became well known to the community not only as the vehicle of the healing art, but was good-naturedly looked upon as a light flying battery of Southern views, ready to go into action at a moment's warning.

It will be readily understood that as partisan feeling grew more bitter, as State after State seceded, as day after day first one and then another Southern leader withdrew to his State, until at last Virginia united her destiny with that of the Confederacy, and the war became a fixed fact, the situation of a man whose position was as prominent and whose views were as pronounced as those of Dr. Garnett was anything but pleasant, or even safe. The Federal party was in complete possession of the capital, and even his great personal popularity failed to protect him from repeated anonymous threats of fanatics, who thirsted for some prominent object on which to vent their rage. These demonstrations finally culminated in a plot to mob his residence, which was, however, prevented by the timely precautions of the mayor and police. Had these threats been carried out, it is not unlikely that the bloody scenes afterwards enacted in Alexandria and elsewhere would have been anticipated, for his high-strung nature would never have brooked the invasion of his fireside. These indications were enough to satisfy him that the time for decisive action had arrived. He had been reared to the conscientious belief that his first allegiance was due to Virginia. When the hour arrives, it does not require long consideration in the breast of such a man to determine upon his course. Not that he fails to appreciate the sacrifice of self-interest, or is drunk with unreasoning enthusiasm, but because faith, love, and pride in his State, instilled into the mother's milk of his infancy and made part of his boyhood's daily bread, has made loyalty to kith and kin an essential element of his nature. Therefore it was that in the full career of a successful and lucrative practice he abandoned his residence in Washington, and leaving every earthly possession, real and per-

sonal, north of the Potomac, proceeded with his wife and little ones directly to Richmond, Va., and entered the service of his State. Nor did he leave Washington like a thief in the night. The mode of his departure was quite in keeping with the character of the man. When prepared to depart he discovered that troops had been placed at the entrance of the Long Bridge across the Potomac, to prevent the exodus of Southerners. Immediately he went in person to Hon. Simon Cameron, and demanded a passport to Virginia as his right. In vain did the Secretary deprecate the rashness and recklessness of such a step, the sacrifices he would make, the extreme hazard of the venture, coupling these with a masterly presentation of the inducements to remain.

Dr. Garnett informed him that he had thoroughly scanned the picture long before they met; that he knew just what burden he laid down, and just what burden he assumed; but that a duty far above the selfish plane on which his arguments revolved required him to take the step, compared with which no power and no wealth could weigh for a moment, concluding by a renewed demand for his passport and the characteristic sentence: "If you offered me a lump of gold large as the dome of yonder capitol, I would spurn it." To say the least of this speech it is hyperbolic, and many are the Johnny Rebs who would scratch their heads most cogitatively during many tantalizing hours before they ultimately concluded to reject the auriferous paraboloid in question. The passport was granted, and the next day saw our subject pass the sentries on the bridge and cast his lot with the ill-fated Confederacy.

No sooner had he reached the Southern capital than he was taken anew into the confidence and association of the leading men whom he had known in Washington. His first night in Richmond found him at a conference between his old friends, Governor Letcher, General R. E. Lee, General Smith and others, and at their request he detailed minutely the condition of affairs in Washington, expressing the belief that the Federal Government was actively preparing

for the immediate invasion of Virginia; even at that late date there were men in high position who doubted such a purpose; how well founded was the opinion then expressed the succeeding events best show.

Upon the removal of the Provisional government of the Confederacy to Richmond, which occurred soon after his arrival, he was appointed Surgeon in the army and placed in charge of two hospitals. He was also made a member of the Board of Medical Examiners, which sat in Richmond to examine applicants for admission to the Medical Corps. These responsible positions, which, together with civil practice, engrossed his whole time, were faithfully filled by him during the entire war, and he steadily added to and extended his reputation as an able and devoted practitioner.

No man who did not witness the scenes enacted in a Confederate hospital in Richmond pending the war, can appreciate the strain upon the physical and mental energies, or the wearying heart-sickness which they brought to a sympathetic nature. Add to these the harassments of anxiety for the support of a helpless family upon meagre army pay, in a city where the necessaries of life, when obtained at all, were at prices ten or twenty times as great as the luxuries of to-day. To these add the but too intimate knowledge constantly gained from the highest authority of the hopes and fears, the doubts and tears surrounding the Southern Confederacy, and it is difficult to imagine four years of greater wear and tear upon the body, heart and brain of any man than those through which Dr. Garnett's fate led him. Yet in these weird scenes there was a fascination, a half-drunken excitement at the whirl of hurrying events, for which human nature craves in spite of all philosophy. Perhaps no man in the Confederacy had more ample opportunity to observe the course of events, or from so many sources knew the secret springs of Confederate action as did Dr. Garnett. Besides being the family physician of Mr. Davis he was on terms of the most cordial social intimacy with the President and every member of his household. He was the

physician to General R. E. Lee and family, as well as to the families of Generals Joe Johnston, Hampton, Preston, Breckinridge, and nearly every member of the Confederate Cabinet and Senate. Such relations doubtless gave him opportunities for information and supplied him with episodes of unwritten history, which would make a most fascinating autobiography, if the veil of professional confidence could be gently drawn aside even for a peep.

When the final crash came, in April, 1865, and Richmond was evacuated, Dr. Garnett, at the request of President Davis, accompanied him as a member of his personal staff, and only after the surrender of General Johnston's army did he separate from his chief and return to Richmond a paroled prisoner after a horseback ride of three or four hundred miles.

Returned to Richmond! Ah! who, that had not seen her in her pride and beauty, when, seated in her splendid amphitheatre, clothed in the living green of spring, crowded with rushing multitudes and circled by "that incomparable infantry" of Lee, she seemed a queen upon her throne, can tell what the weary Confederate on parole felt as returning home he first beheld, from the southern banks of the James, the blackened ruins and long wilderness of vacant highways in the half-destroyed, half-deserted citadel of the South? Who can tell the bitterness with which the remonstrances of Simon Cameron seemed to mock him, as, travel-stained and sick at heart, he rode through the ruins with naught to break the gloom but the hollow echoes of the hoof upon the deserted pavement? Who knows how hope for the future sickened at this realization of the past? Who can tell the feelings of a man of pride and sensibility, of ambition and capability, standing at the very zenith of life, surrounded by a growing family, more in need than ever before or afterwards, penniless, in the midst of the ruin of his life's work, and the very field of his labor destroyed? A cheap and vulgar mode of disposing of this dilemma is a copious use of liquor. A sentimental but more satisfactory solution to wife and children is a bullet through the brain, or some quick poison.

A not unusual result is brain-fever succeeded by permanent softening for fear that the family is not already deep enough in misery or dependence. A man made after God's mould grows with the occasion and proves his manhood by grappling bravely with the issues and rising superior, or dying game and fighting to the bitter end.

Of such stuff was Dr. Garnett. His heart was in the Confederacy, and no man in his appointed sphere struggled more honestly or bravely for its success, but he owed a duty to himself and those around him not inferior to that public duty he had now discharged. Too honest to apologize or exculpate, too manly to vegetate in whining regrets, too proud to eat the bread of dependence, he saw that his true path in the future lay in honest and unremitting work, and so it was that before the kisses were dry on the brows of those he loved he beset himself to work. Securing a home in Richmond he immediately resumed the practice of his profession with a zeal disaster could not quench nor poverty abate, and would doubtless, had he remained, now occupy a leading position there, but "man proposes and God disposes." Breathes there a man on earth who, having failed in an effort undertaken against the advice of friends, would not dodge to the last moment the dreadful "I told you so" he is sure to hear? Doubtless this feeling as well as sterner considerations induced Dr. Garnett to settle in Richmond after the war instead of returning to his old home. Notwithstanding the confiscation of his house and all his personalty by the government with a flattering assiduity in ferretting them out, his affairs demanded his presence in Washington, but it was not until August, 1865, that he returned. He doubtless entered upon those familiar scenes with somewhat of a Pariah defiance in his heart, determined to scorn unsympathetic sympathy and resent unasked advice. It was the outcast tenant returning with a sense of injury to take the poor remnant which the law respects and forever turn his back upon the scene. But oh! how different was the reception with which he met! War and bloodshed, and plunder and desolation, had not been

able to dam up the warm streams of friendship or gratitude. Right under the shadow of the capitol he found hearts that through all these years had beat as true to the Confederacy as his own, and welcomed him back with a fervor as genuine as his heart could wish; even those who differed from him politically could well afford to be generous and, forgetting past strifes, recur to old friendship and give their gratitude for past kindness full play. And so it was that instead of finding himself alone and forgotten his former friends and patrons flocked around him and vied with each other in their efforts to induce him to return to their confidence and trust on the field of his early labors. Thus, with reviving hope and a heart pulsating with honest pride and gratitude, he yielded to their importunities and at once removed his family to Washington.

The result has amply vindicated the wisdom of his determination. From the day of his return he has been blessed with a handsome practice, was soon re-elected to the chair of Clinical Medicine in the National Medical College, of which institution he is now Emeritus Professor, as also a member of the Board of Directors of the Children's Hospital, and of the Medical Society and Medical Association of the District of Columbia. During these busy years he has still found time to contribute quite a number of valuable additions to medical literature, published in medical journals, and, true to his faith, has never lost an occasion to do honor to the Confederate dead.

Without flattery it may be truly said that Dr. Garnett to-day occupies a position in the National Capital second to that of no man in his profession, and that position has been gained through the sheer conquering power of education, brains, and manhood. To attain it, he has made no humiliating sacrifice of self-respect, or concession of any sort, to gain position. His Southern views and feelings have been worn upon his sleeve to be seen of all men, and while never intruding them offensively upon any one, he has not only avowed them on occasion, but demanded that they be respected.

In the year 1874 he was chosen President of the Southern Memorial Association of Washington, and selected to deliver the oration upon the occasion of interring the Confederate dead who had fallen during Early's advance upon Washington, and whose bodies had been left scarcely covered where they fell. The public felt an unusual interest in the event, as it was the first public assemblage of Confederates within the district since the war. Much curiosity was felt as to the nature of Dr. Garnett's address, for the intensity of his feelings was well known. The oration when delivered was brief, manly and conciliatory in its tone, at the same time vindicating the memory of the dead, and counselling fraternity and good feeling among the living. The following extracts are well worthy of preservation, not only as characteristic utterances of the man, but as truthful and eloquent statements of the facts which they assert :

“When the people of the North realize the truth and become convinced that we of the South were equally patriotic and conscientious in this struggle with themselves; that in differentiating ourselves by the act of secession from them we did so under the highest convictions of our right so to do; that the very act itself manifested our steadfast fidelity and tenacious loyalty to those principles which underlie the Constitution; that we were actuated by no hostility to the Union, *per se*, but by a love for those fundamental truths upon which it had been founded; when the National Legislature shall subordinate partisan interest and sectional prejudices to these great elements of republican government, and when the people of each section shall learn to cultivate sentiments of mutual respect for each other; then, and not until then, shall we have a happy, united and homogeneous people, enjoying the blessings of a prosperous, just and good government.

“Neither time nor your patience, my friends, will permit me to continue this subject further, nor does it become me to indulge in any line of argument or expression which may seem to be inspired by feelings of animosity towards our Northern brethren; believing as I do that the

great mass of them who engaged in this civil strife were animated by the highest sentiments of patriotism and devotion to duty. We all believe that this unhappy conflict was inevitable. The radical ideas of social equality and centripetal tendency of governmental powers which characterized the Northern mind, antagonized by the belief in State sovereignty and the aristocratic institution of slavery which obtained at the South, would, at some period not far distant, necessarily result in a separation of the two sections. Whether, however, we regard this war as the legitimate fruits of a fatal defect in the Constitution, or the bloody expression of irrepressible prejudice and political ambition, I must be permitted to proclaim here, in the presence of the dead, as well as the living, that no people in the long range of historic record were ever actuated by stronger motives or inspired by a higher sense of duty in engaging in this struggle, than those for whom I now speak. No ambitious lust for conquest and power, no sordid desire for the acquisition of territory or feeling of revenge, mingled with and degraded our cause; we fought for political existence, we were forced to take up arms in defence of our honors, our homes, our children and our lives. The highest, the most sacred, the most imperative of obligations that could inspire men to assert their manhood, and maintain the precious inheritance which had been transmitted to them by a glorious ancestry of heroes and patriots demanded it. The very *lares* and *penates* appealed to us with silent eloquence to defend their consecrated fanes from the footsteps of the invader.

“May we not, however, rejoice, my friends, that the struggle with all its attendant evils and bloody horrors has been in our day, rather than have bequeathed them to our children? Let us then return thanks with grateful hearts to an all-wise Providence that the contest is ended, and, resting upon the teachings of history, console ourselves with the happy belief that the day is not far distant, when, as a united people, we shall regard the heroic deeds of both sides as a precious heritage of a common country; when the military genius, lofty character and distin-

guished achievements of Lee and Jackson will inspire with feelings of admiration and pride the heart of every true American throughout the length and breadth of these United States, and hereafter, when the footsteps of the Northern soldier, who conscientiously risked his life for his country, shall press the sod so tenderly placed to-day over these remains by the hand of affection and sympathy, may his heart be so softened by emotions of patriotism and fraternal love that he will be prepared to say with the poet :

“ How sleep the brave who sink to rest,  
By all their country's wishes blest,  
When spring, with dewy fingers cold,  
Returns to deck their hallowed mould.  
She then shall dress a sweeter sod  
Than Fancy's feet have ever trod.

‘ By fairy hands their knell is rung,  
By forms unseen their dirge is sung ;  
There honor comes a pilgrim gray,  
To bless the turf that wraps their clay,  
And Freedom shall a while repair  
To dwell a weeping hermit there.’ ”

It is impossible to know how much of the fraternity and restored good feeling which now bless this country is due to the utterance by representative men on both sides of sentiments like those above quoted. Certain it is that the magnanimity of men like Bartlett of Massachusetts has touched a chord in the Southern heart that years of persecution and oppression could never have reached, and it is not doubted that the people of the North, equally generous in their impulses, first felt the warmth of returning affection beneath such manly appeals as these from men who had never concealed their true sentiments, or hesitated to make sacrifices to uphold them. In this speech, doubtless, was the germ of the following correspondence, which appeared when Decoration Day rolled around in 1876. It is published as a fresh evidence of the growing good feeling between the participants in the late war, which is to be regarded as the most grateful contribution offered at the centennial shrine :

“ WASHINGTON, D. C., *May 29th*, 1876.

“ DR. A. Y. P. GARNETT, DR. W. P. YOUNG,  
J. W. DREW, *Esq.*, *Committee* :

“ GENTLEMEN: Several Union soldiers desire to join with you in the decoration of the Confederate graves at Arlington cemetery on Saturday, June 3d, 1876; and they desire to furnish and place (under your direction) flags, such as are generally used on similar occasions. They beg leave to quote (name of author unknown to them) from a Massachusetts paper of May 30th, 1876 :

“ ‘ The blue and gray are the colors of God ;  
They are seen in the sky at even,  
And many a noble, gallant soul  
Has found them a passport to heaven.’ ”

“ This simple request is made in view of the fact that your programme announces that the ceremonies are intended to be of an informal nature, which, in our opinion, is the proper manner of discharging such a duty of love and respect to fallen valor. It may not be amiss to state that this proposition comes from men the most of whom suffered from Confederate bullets, and also in Confederate prisons. It is desired that no publicity be given to it, as it is simply a desire of soldiers to do their duty towards soldiers. Yours respectfully,

“ UNION SOLDIER OF 17TH MASS. INFANTRY.”

“ WASHINGTON, D. C., *May 31st*, 1876.

“ TO MR. —, Union soldier of the Seventeenth Massachusetts infantry :

“ DEAR SIR: I have had the honor to receive your letter of the 29th instant, in which, speaking for yourself and other ‘ Union soldiers,’ you express a desire to unite with the members of the Southern Memorial Association in decorating on Saturday next the graves of the Confederate dead interred in Arlington cemetery. You allege, as a motive for this exhibition of generous magnanimity and patriotic self-abnegation, that we propose to conduct this ceremony in a quiet, informal and unostentatious manner, and you further propose to furnish for the occasion a sufficient number of flags to be placed over the grave of each Confederate soldier, thus



obliterating, as far as your laudable efforts can do so, all distinctions between the graves of the blue and the gray.

“Believing you sincere in the noble sentiments which your letter would seem to convey, I cannot sufficiently express to you my profound gratification at such a demonstration on the part of citizens of Massachusetts, enhanced by the fact that it comes from those who imperilled their lives in defence of a cause which they believed to be right, and who now possess the moral courage to be generous in peace as well as in war.

“Permit me to say to you in all sincerity, men of Massachusetts, that it is only with weapons of this character that you may expect to subdue the proud spirit of Southern men, and consummate a triumph more lasting, a victory more precious in all its richness of fruition, than the pomp and circumstance of war can ever achieve. It is eminently meet and proper, in this centennial year, that Virginia and Massachusetts, who so conspicuously contributed to laying the corner-stone of our system of government, and by their united wisdom, patriotism and virtue erected thereon the grand superstructure of this great republic, should be found once more side by side battling against those unfortunate prejudices, animosities and resentments which since the war have served as centrifugal forces to keep the two sections of our common country asunder, and to destroy that homogeneity of patriotic sentiment which should characterize us as one people. Speaking, then, for myself and my associates, I feel authorized in assuring you that we shall most cordially extend to you and your fellow-soldiers on that day a fraternal feeling, and unite with you in bestowing upon all alike those evidences of respect and good feeling so beautifully and poetically expressed by the strewing of flowers upon the graves of the dead. And on that day, over the graves of those who sacrificed their lives to a sense of patriotic duty and in the presence of his noble spirit which still lingers amidst the shades of those majestic groves, let us hope to consummate that greatest and most difficult of all human achievements,

a victory over ourselves, and be prepared to receive new and lasting inspirations of patriotism and brotherly fellowship.

“While honestly expressing to you the above sentiments, I find myself somewhat embarrassed by one feature of the proposition submitted in your letter. I refer to the suggestion which you make of bringing flags to be placed upon the graves of the Confederate dead. I deem it but justice to both you and myself that I should candidly place before you the nature of that embarrassment. The programme determined upon by our association had for its object the simple expression of our love and respect for the memory of the dead in a quiet, sacred and unostentatious way, initiated years ago by the Southern mothers, widows and daughters of those who were slain in battle, studiously avoiding any and all demonstrations which could possibly connect the ceremony with politics or kindred subjects. The decoration of graves with flowers is, as I have above said, the poetic expression of a sentiment, an act which springs from our finer and purer natures, a feeling which recoils from the rude touch of political strife, a sublimated and refined emanation from that spiritual element of our constitution. So sacred, indeed, do we regard this act that, by common consent, we forbade the introduction of any discordant agent which might harshly grate upon us in the way of music, orations, poems or songs, tolerating only the simple and appropriate prelude of an invocation to the Supreme Being.

“Now, while we especially disclaim any lurking hostility to the flag of our whole country, and entertain no fears of a misconstruction of our motives by you, I must remind you of the fact that a flag is not only symbolic, but it is a visible representative, and pre-eminently possesses political significance. It is in this country the centre around which clusters not only the national glories of a hundred years, but the associations of turbulent, angry, and bloody contests of political strife, and, in my judgment, does not constitute a harmonious element in a semi-religious ceremony of this kind. I cannot more

fully and pointedly illustrate this position, and at the same exhibit the recognition of its correctness, than by supposing that we should place over the graves of the Confederate dead the flag which they followed in battle. Would there not arise throughout the land a whirlwind of indignation? Of course there would, and it at the same time would demonstrate the true light and political significance which attaches to a national flag. Yet no one, not even the most bitter and illiberal Unionist, so far as I am informed, objects to our decorating these graves with flowers.

"I regret that the time is too limited for me to submit this question to the association and obtain an expression of its wishes. I am constrained to say that I do not feel authorized under the circumstances to assent to so radical a departure from our arranged programme as the introduction of these flags would be. Sincerely hoping that the truly patriotic and Christian spirit which inspired you to write this letter shall before the lapse of another year have so pervaded the hearts and minds of our whole people that there will be a unity of purpose, a unity of feeling as well as a unity of deed, characterizing these ceremonies throughout the length and breadth of this country, and that there will no longer be afforded opportunity for the followers of Christ, the teachers of His doctrines, to give expression to their hatred, malice, and all uncharitableness, by sacrilegious attempts to practise a fraud upon God Almighty when in their hearts they are praying to the devil.

"It is proper that I should add, in conclusion, that the other two gentlemen of our committee, Messrs. Young and Drew, concur in the views herein expressed.

"With feelings of respect, I remain, sir, very truly yours, etc.,

"ALEX. Y. P. GARNETT, M. D.,

"President of S. M. A."

God grant that the catholic sentiments breathed forth in this correspondence may daily increase more and more until they shall spread over the whole territory of the Union, and when that

happy day shall arrive posterity will not forget the names of those honest men, who, after battling manfully for their convictions, realized that the time had arrived to cease an idle strife and recrimination without sacrificing aught of principle or aught of conviction.

In all his professional intercourse, Dr. Garnett has ever been scrupulously punctilious in matters of professional etiquette; not only observing most carefully every point of courtesy in his own practice, but demanding and exacting the same from others.

The following extract from one of his speeches before the Medical Association of Washington and Georgetown, on the occasion of an investigation into the conduct of a member, is a fair example of the firmness and independence of his views:

"If this association does not possess the moral courage, independence, and professional pride, to maintain its own authority, vindicate its honor, and conserve its principles, it is better that we should at once abrogate its constitution and adjourn '*sine die*.' For myself, I have no concessions to make, no favors to ask, no compromises to offer with wrong doing. With a '*mens sibi conscia recti*' I shall pursue the even tenor of my way, doing what I know to be right without fear, favor, or affection; and when my record is finished, and I am gathered home to the land of spirits, all I ask is, that there be placed upon the stone which covers my remains this inscription:

"Hic jacet vir,  
Qui conscientiam tenebat,  
Fallaciam abhorrebat,  
Ignavum detestabatur,  
Atque nunquam verebatur recte facere."

The foregoing sketch has been prepared by a Virginia friend whose acquaintance and admiration has extended over a period of thirty years. That it is cursory and unsatisfactory the writer well knows, and, as it was prepared without conference with its subject, it is hoped that whatever in it may appear crude or inelegant will be viewed with that partiality always shown to the labor of friendship.

Solon, when asked by Cræsus whether he did not consider him the happiest of mortals, told him that no man could be considered happy until he was dead ; before he died the boundless wealth of Cræsus was scattered to the winds of heaven, and his very life was only saved by his remembrance of the philosopher's speech as he was led forth to be burnt alive. And so it is in the preparation of a sketch of the living that we know not what will be the supplement of that life of which we write. Strange and trying have been the vicissitudes of the past. Stranger still for aught that we can foretell may be the changes of the future. This much, however, is assured, if no more, that the man who combines truth and honor, devotion to principle, a stern and uncompromising sense of duty, unremitting industry, outspoken sincerity, manly independence, and respect for woman, with a heart filled with the milk of human kindness uncurdled by adversity, will sooner or later gain the respect and admiration of friend and foe. No brilliant episode is necessary to the reputation of such a man, but he builds, and is ever building through every moment of his life upon a foundation firmer, broader, and more enduring than he whose meteoric honors have seared and scorched the track through which they came.

Of all the public men of Washington none is more widely known, or more respected, or more beloved than Dr. Garnett ; possessed of a striking presence, and captivating address, the merest stranger would at a glance recognize in him a man far above the unknown throng, and of all those within the range of our knowledge and acquaintance we can truly say we know of none more worthy of a sketch as a representative Southern man and gentleman.

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HON. T. M. NORWOOD.

GEORGIA.



**T**HOMAS MANSON NORWOOD was born April 26th, 1830, in Talbot county, Ga. The Norwood family are of English extraction ; three brothers, one of whom was the great-grandfather

of the subject of this sketch, having emigrated to this country about the middle of the eighteenth century and settled in Maryland, where they engaged in farming. They were hardy pioneers, and their numerous descendants are to be found in all parts of the Union : one branch removed to Tennessee, where, in Blount county, Caleb Merrimon Norwood, father of Thomas, was born, and afterwards settled in Georgia. His mother, Jeannette Manson, was the daughter of a Highland Scot, and was born in Abbeville, S. C. From Talbot county the family removed to Culloden, Monroe county, where, at the Culloden Academy, Thomas received his early education under Marvin Massey Mason, of Vermont, one of the ablest teachers of his day, and under his successors, Messrs. Morrow and Mather, was prepared for college. In the summer of 1847 he entered Emory College, Oxford, Ga., an institution founded by the Methodists, and graduated thence in 1850. He commenced the study of the law under James Milton Smith, since Governor of Georgia, in Culloden, in September, 1871, and was admitted to the Bar in February, 1852, when he removed to Savannah and commenced the practice of his profession in copartnership with Claudius C. Wilson, a brilliant young lawyer, who afterwards attained to a distinguished position in the Confederate service, and, when Brigadier-General, died at the close of the battle of Missionary Ridge in November, 1863. Norwood and Wilson conducted a large civil and criminal practice in the State and United States Courts, and among some of the more noted cases in which they were engaged was that of Baldwin vs. Lamar, an infringement of the patent of a cotton press. The firm was at the time but young in the profession, but both the partners having a mechanical turn of mind they were peculiarly fitted for the conduct of an intricate patent case. They appeared for Baldwin, the owner of the Tyler press, the infringing press being called the Duvall, and obtained a verdict with \$13,000 against the best talent obtainable in Charleston and Savannah, assisted by George Gifford, of New York, only second to Stewart as a patent

lawyer. The case was argued in Charleston in May, 1860, during the sittings of the Democratic Convention, which adjourned without making a nomination: from which a division in the Democratic party resulted, and the election of Abraham Lincoln by a minority vote followed. At least \$100,000 was involved in the decision. In the spring of 1861 Mr. Norwood organized a company of which he was Captain, but before going into active service he was elected to the Legislature by the people of Chatham county and consequently resigned his commission. In the spring of 1862, however, while still a member of the Legislature, on the tidings of the fall of Fort Donelson, he joined the Chatham Artillery as a private, but while exposed to sudden change of weather in the tents was attacked with a severe affection of the eyes which necessitated his total seclusion from the light, and for five years he was unable to read or write and his sight was despaired of. This necessitated his discharge from the army and entire abstinence from the practice of his profession, and, under the apprehension that he might eventually lose his sight entirely, he bought a small property at the Isle of Hope and spent much of his time in open-air exercise, cultivating his garden, boating and fishing. In 1865 he went to Philadelphia for the benefit of Dr. Joseph Pancoast's treatment for his eyes, but, after a series of painful operations, he returned to Georgia but little benefited. The open-air exercise and absence of excitement after a while greatly improved his sight, and in 1867 he was able to resume the active duties of his profession. After the termination of the war there was much pent-up litigation requiring adjustment in the South, and Mr. Norwood soon acquired a large and lucrative practice, to which he closely confined his attention until his election to the United States Senate in 1871. From 1868, when the reconstruction acts came into operation, the carpet-baggers had control of the State Legislature until 1870, when the Democratic party carried the State, but before the expiration of their term they elected Foster Blodgett, one of their stripe, to the United States Senate. The law enacted

that the Senator should be elected by the Legislature elected immediately preceding the commencement of his term of office, and consequently the election of a Senator at that time properly devolved on the Legislature elected in November, 1870, which, as we have said above, was Democratic. The corrupt carpet-bag Legislature, being unwilling so soon to lose all control of political power, illegally elected a United States Senator during the term of the Legislature before the one of 1870, which should legally have exercised that function, and in order that there might be no conflicting claim to the seat, and having the right to fix the date of meeting of its successor, postponed its meeting until the fall of 1871. Foster Blodgett presented himself in due course at the opening of the extra session in March, 1871, and would have been allowed to take his seat but for the intervention of Senator Joshua Hill, of Georgia, by whose influence his credentials were referred to the Committee on Privileges and Elections.

At the session of the State Legislature, held in November, 1871, there was a lively contest among the eight aspirants for the position, but Mr. Norwood was elected United States Senator, and, in spite of the exertions of Blodgett's friends, was sworn in, December 19th, 1871. While in the Senate he was made a member of the Transportation Committee, and in the fall of 1873 formed one of the sub-committee who made an extended tour throughout the Union, taking testimony as to the best methods of facilitating cheap transportation by land and water. During the last four years of his term he was a member of the Naval Committee, and as such made a visit of inspection to the different navy yards with a view to a reduction of their number; the report favored a diminution, but no action was taken by the government.

His argument in the case of Senator Caldwell, from Kansas, whose admission to the Senate was contested on the ground of bribery, was an able display of legal acumen and first brought him prominently into notice in that body. He was appointed on a special committee consisting of two Republicans and one Democrat (himself),

to investigate the charges against Powell Clayton, the Senator from Arkansas, for obtaining his seat by bribery. The Republican majority reported in favor of the applicant, but Senator Norwood presented a minority report, making out a clear case of guilt against Clayton.

Among his more notable oratorical efforts while in the Senate, many of which have been published in pamphlet form, may be mentioned his speech on the Civil Rights Bill, in April and May, 1874, in which, with an incisive vein of satire, he ridiculed the absurdity of this Republican attempt to place the white and black races on social equality by act of Congress, and was successful in eliminating the most objectionable feature of the bill to the South—the school clauses—and thus emasculated the bill. He said:

“Nine years ago four million slaves were set free; the next year clothed with civil rights; the third, armed with the ballot, like blind Polyphemus with his club; the fourth, makers of laws, of governments and rulers of men, their former masters. Within this brief period they were graduated in the school of Republican statesmanship, passing at a bound to the degree of doctor of their learned laws; and in ten States the whites were dismissed from office, and these learned Republican doctors were set up on end like ten-pins, and put in charge. History furnishes no parallel to this triumph in the plastic art since God made man of clay. There is but one recorded instance which the boldest fancy would dare suggest as a fit comparison, and that is the redemption of the Jews from Egyptian bondage in a single night. But in that one fact only is the comparison good; for though they were under the guidance and instruction of Omniscience for forty years, they did not make the advance in statesmanship which the ‘man and brother’ attained, under the new dispensation, in forty days. Of the six hundred thousand who went out from Egypt but two were found worthy in forty years to give and administer law. The Republican party manufactured over six hundred thousand law-givers in forty minutes. The Jews were in-

structed by signs and wonders, by miracles, and in the Decalogue, and that by the Almighty himself. The negroes were regenerated without any instruction and by the Republican party. Moses was taken by divine appointment from his bulrush cradle and educated for many years to fit him as a ruler; but the ‘man and brother,’ while standing in the corn-field hoe in hand, and without any warning of the approaching calamity, was made a Republican statesman by act of Congress. His superior wisdom was needed by the Republican party to guide their councils, and they called him, like another Cincinnatus, from the plow and placed him at the helm of State. . . . Let no one suppose from the illustrations I have given of the degree of intelligence possessed by the colored people, that I mean to ridicule their ignorance. My purpose is far from that. No one deplors their benighted condition more than I do. Were they intelligent, educated, they would not be the tools and dupes they are of wicked adventurers. . . . No, sir, I have thus spoken of the average intelligence of the negro race in the South—and which I might have illustrated in a thousand ways—to lay bare the folly, the wickedness, the crime of raising them from Egyptian darkness and semi-barbarism to the high, the responsible position, imposing duties and intellectual effort to which the genius and training of the Websters, Clays, Calhouns, the Adamses, Hamiltons and others not unworthy to be named with them, were only equal, and none superior. It was a crime against civilization and liberty which has no parallel in the course of time, and done solely to perpetuate party domination. . . . I am arraigning the Republican party for the manner in which they treat the colored freemen of America in refusing to recognize them in all the social relations of life, while endeavoring, by national legislation, to force the poorer class of whites, who are their constituents, into social equality with the blacks. For, sir, this is the true issue made by this bill and they cannot blink it under the flimsy pretext of securing civil rights. . . . Republican Senators wish to compel common

carriers to open their cars and ships to all comers alike; in other words, to force the whites to this intimate association and close contact or to stay at home or provide their own conveyance. The poor are here to be the victims. The rich can gather up their velvet trains and sweep contemptuously by the poor whites and negroes banked and huddled together and take luxurious refuge in a palace-car. Thus money is to establish class and caste. . . . You would not encourage marriage between the two races, but you compel them to associate in every social condition. You tell your child not to gamble, but that he must associate with gamblers. You tell him not to drink, but he must affiliate with drunkards. You instruct him not to lie, but chain him neck and neck with liars. You caution him not to make companions of negroes—not to marry one—but you tie him side by side in the tenderest age of life with negroes. And thus you tell him the negro is as good as he. You make them playmates, partakers of common joys and sorrows, associates at school, associates in pleasure, associates in church, in public conveyances, at meals, when travelling, and lay them away to sleep their last sleep side by side. Every act is a declaration of social equality, and every word is a denial of your acts. . . . Woe be unto the political party which shall declare to the toiling yeoman, the honest laboring poor of this country, 'Your children are no better than the negro's. If you think so you shall not practise on that opinion. We are the rulers; you are the servants. We know what is best for you and your children. We, the millionnaires—we who are paid out of your pockets, will take your money and will send our children to select high schools, to foreign lands, where no negroes are; but you, you who are too poor to pay, shall send your ragged, hungry urchins to the common schools on such terms as we dictate, or keep them away to stray among the treacherous quicksands and shoals of life; to wander on the streets and learn to syllable the alphabet of vice and crime, or stay at home and, like blind Samson in mental darkness,

tramp barefoot the tread-mill of unceasing toil.'"

In February, 1875, he delivered a lengthy and exhaustive speech on the Louisiana Law, in which he conclusively established the charge against President Grant of grossly violating the Constitution by placing the military over the civil power. W. P. Kellogg, the carpet-bag Governor of Louisiana, had used the United States troops, sent in September previously to Louisiana under his requisition, "to render such aid as might become necessary to enforce the laws of the State," to organize by fraud the Legislature, in January, 1874. Senator Norwood asks:

"First. By what authority of law did the President of the United States, who, by the Constitution, is sole Commander-in-Chief of the army and navy, delegate and resign this exclusive constitutional power to the Governor of Louisiana? Second. By what authority of law did the President of the United States, sole Commander-in-Chief of the army and navy, turn over his troops and ships of war to the Governor of Louisiana to be used against the citizens of that State, when and how he pleased and for an indefinite period of time, and to enforce any law of the State which he, the governor, might wish to enforce?" and proceeds, in forcible and eloquent terms, to recount the wrongs inflicted on the South generally and Louisiana in particular by the reconstruction measures of the Republican party. "When the war closed we laid down our arms, went peacefully to our homes, and set to work. The scene was sad beyond the power of mortal pen to tell. Two billions of property in slaves had vanished in a night. More than another billion had crumbled under the iron tread of war. Hundreds of millions more invested in Confederate bonds were swept away in a breath. Many millions more of Confederate treasury notes perished in the same instant. Besides all this nearly every planter was in debt, and his land, which, in the main, was all that was left of his estate, was covered by mortgage. Labor was disorganized. Negroes, elated by freedom, like

children by new toys, played and danced and loitered. The white people were disarmed, but negroes were allowed to have arms because they were pronounced loyal. Farming utensils had been destroyed, stock had been used up in the army, and cattle largely consumed for commissary supplies." Then came the proclamation of President Johnson, authorizing the rehabilitation of the Southern States, and conventions were held abolishing slavery, State governments were reorganized and Legislatures and members of Congress elected. "At that hour the Republican party held in its hands the grandest opportunity that has ever been seized or dropped by any king, monarch, ruler or party known in history. A spirit of magnanimity, which would have required no sacrifice of advantage from the war, nor the surrender of any principle of good government, would have won the Southern heart, would have given that party legitimate control of the intellect and patriotism of every Southern State, and have continued their rule for at least another generation." When, however, it was discovered that the Senators and Representatives returned to Congress were all white and all Democrats, the discovery was instantly made that "no legal governments existed in any of the States lately in rebellion." "Then there was enacted a drama which, but for the calamities with which it was fraught, would rank as the greatest farce known in history. Then came that grand abortion called reconstruction. In its train have followed more pangs and woes than war with all its horrors has. It was a crime because it was a wilful trampling of the Constitution in the dust. It was a dishonor because it was an insult to a fettered people. It was a disgrace to American statesmanship. It was a blow at the life of the Republic. It disenfranchised the intelligent, the virtuous, the honorable citizens of the South, and gave power over them to the ignorant, the licentious and the base. It gave those who had neither property nor education the power to tax without limit the owners of the remnant of property left to them by the war. It bound the hands of the whites and turned them over unprotected to the

unbounded rapacity and savage brutality of the blacks." And the motive for thus subverting the governments of the ten Southern States was simply to perpetuate the existence of the Republican party and enable it to keep control of the government. All these crimes were committed to keep power in its hands. "Near a million negroes, finding themselves voters, became more turbulent than before. Crimes multiplied with amazing rapidity. Murder, red-handed murder, threatened the white race by day, and arson became an institution of the night. Blazing gin-houses, on the least fancied wrong, illuminated the dismal night like merry bonfires, and the profits of a year dissolved to ashes in an hour. Thefts were as common as opportunities, and opportunities were forced when not to be found. In the rural districts female honor was so often violated that men and women dreaded the coming night, and many abandoned their homes and took refuge in the cities. Reconstruction will be written down by the philosophical historian not only as the greatest folly of all time, but as the worst crime against civilization, human progress and self-government that was ever perpetrated through the cunning or wickedness of man. It has no justification."

Kellogg was the outcome of reconstruction in Louisiana, and to keep him and his myrmidons in power against the constitutionally expressed will of the people of Louisiana, President Grant gave him unfettered control of the United States soldiers, and thus enabled him to organize the civil officers of a State by force of arms. In 1875 the Senator also spoke against the appropriation, on constitutional grounds, to the Centennial Commission. His term expired in March, 1877, when he resumed the active practice of his profession. In June, 1877, he was engaged in the celebrated Telfair Will case, which excited much interest at the time and in which \$750,000 was involved. He appeared for the children of A. P. Wetter, who married a grandniece of Mary Telfair, the testatrix, a daughter of Edward Telfair, first Governor of Georgia, and succeeded in obtaining a decision that the children were the legal heirs, thus

breaking the will. The speech he made on this occasion roused the jury to the utmost enthusiasm, and was a powerful and brilliant oratorical effort, but the case was afterwards appealed to the Supreme Court and the decision in the Superior Court overruled.

During a speech delivered at the Savannah Theatre on the 2d of November, 1874, at the time when the Democratic "tidal-wave" swept over the country, Mr. Norwood gave the following graphic description of that now almost extinct monstrosity, the "carpet-bagger:"

"The Reconstruction acts have wrought immeasurable evils, but perhaps the greatest of all is the production of the carpet-bagger. I have great admiration for the genius who first used that word, carpet-bagger. What can be more expressive? His like the world has never seen, from the days of Cain, or of the forty thieves in the fabled time of Ali Baba. Like the wind he blows, and we hear the sound thereof, but no man knoweth whence he cometh or whither he goeth. Natural historians will be in doubt how to class him. Ornithologists will claim him because in many respects he is a bird of prey. He lives only on corruption, and takes his flight as soon as the carcase is picked. In other particulars he resembles the migratory crane: for when driven by the frigidity of social ostracism from the North, he flies with marvellous instinct to the torrid and unctuous embrace of his African mates and peers, among the swamps of our Southern shore. As the crane fills his craw, so this creature fills his bag, for the flight. And as the crane, when the days grow hot, flaps his wings, and, screaming through the air, returns to the North, so this ill-omened biped, when times become warm in the South, gathers up his legs, and flying, with screams and shrieks, away, perches on the wooden head of the figure of justice, commonly known as the Attorney-General, and drowns the air with croakings about Southern outrage and wrong. In the other respects he is like the marsupial family of quadrupeds, for, as they are named from the pouch or bag in which they carry their young, so he derives his name from the bag he carries

and in which are stored all his earthly possessions. The opossum is of the marsupial family, and the carpet-bagger, like that animal, does all his travelling at night. Solomon was a wise man, but he did not know everything. He was wrong in saying 'there is nothing new under the sun.' The world has swung on for thousands of years, through wars and pestilence, through famine and plagues, has been visited by tempests and earthquakes, frogs and flies, murrain and lice, and grasshoppers, but never until the year of our Lord 1867 was any portion of the globe afflicted by a carpet-bagger. Solomon did not know him, nor did David or Jeremiah conceive of such a calamity. If they had, the songs of David and the book of Jeremiah would have been lost to mankind, for they would have fled the face of man at the bare conception of such a woe. Though he sprung into existence soon after the war, the carpet-bagger is no offspring of that martial coition. The time was not '*gravis Marte*' when he was hatched or littered. There is no look of Mars, but there is infinite speculation in his eyes. A reward as large as that offered by the Roman emperor for a new and savory dish could not tempt the most abandoned, perjured negro to swear that he has ever known a carpet-bagger to stand the fire which he has so often drawn by his incendiary work. His courage oozes out at his departing heels. During any 'little unpleasantness' this Pharisee becomes, as by magic, a Publican, for he takes his stand 'afar off.' He is no product of the war. He is 'the canker of a calm world,' and of a peace which is despotism enforced by bayonets. His valor is discretion; his industry perpetual strife, and his eloquence 'the parcel of a reckoning' of chances as he smells out a path which may lead from the White House to a custom house, a post-office, the Internal Revenue bureaus, or perchance to either wing of the Federal capitol. His shibboleth is 'the Republican party.' From that party he sprung as naturally as maggots from putrefaction. His relation to that party is that of pimp to a bawd, for his meretricious service is rewarded in proportion to the number of innocent negro victims



he inveigles to gratify its lust for power. Like Wamba and Gerth, he never travels without wearing his master's collar; and he is equally content, whether turned loose to chase like a sleuth-hound the monarch of Southern soil, or called by a snap of the fingers to eat the garbage of his party. His collar is his passport to roam at large, and it matters not with what persistence he may break into a Southern gentleman's close, his master will not permit him to be muzzled, for he is 'the ox that treadeth out the corn,' as well as 'the ass that knoweth his master's crib.' Wherever two or three or more negroes are gathered together in the name of Grant, he, like a leprous spot, is seen, and his cry, like the daughter of the horse-leech, is always, 'Give—give—me office.' Without office he is nothing; with office he is a pest and public nuisance. Out of office he is a beggar; in office he grows rich till his eyes stick out with fatness. Out of office he is, hat in hand, the outside ornament of every negro's cabin, a plantation loafer and the nation's lazarene; in office he is an adept in 'addition, division and silence.' Out of office he is the orphan ward of the administration and the general sign-post of penury; in office he is the complaining suppliant for social equality with Southern gentlemen. His former neighbors in the unknown region, whence he fled, wonder not at his flight, but at his escape and concealment! But when, as sometimes happens, he reaches Washington labelled as 'Senator' or 'Representative' from the province of Louisiana, or South Carolina, or Alabama, or Mississippi, and invoiced and consigned to President Grant or some of his henchmen, the romance of the transfiguration so veils his identity that those neighbors gather in the capitol, and with field-glasses in hand they wrangle and swear in the galleries in angry dispute whether the official automaton be Tichborne or his counterfeit. He is at best but Cinderella at the ball:

"We wonder at his slippers, his face, clothes and hair,  
But the greatest wonder is, how he ever got there."

"Our wonder, however, is not as great or distracting as his own. For when he thinks of the

fairly Reconstruction, which wrought this marvellous change in him, and then sees the familiar pumpkin which he, from early and fond association, had come to regard as an elder brother, suddenly transmuted into a carriage and gayly caparisoned horses, and examines his glass slippers, and then timorously ventures to look down, down into the depth where his fairy found him, among the cinders and ashes of Southern desolation, his head swims and he instinctively leans heavily on Prince Ulysses' arm, and, doubting his own identity, begs not to be called Senator or Representative, but to be called by his old name, so familiar in Sleepy Hollow—Schneider."

Senator Norwood has contributed extensively to the press, and his series of letters to Governor Bullock, of Georgia, which appeared in the *Augusta Chronicle* in the spring of 1870, under the signature of "Nemesis," were a clever satire on Bullock's administration, and were highly appreciated and created great attention. Among his many addresses to various literary societies, his address to the Alumni of Emory College, Georgia, his *Alma Mater*, in July, 1875, has been published, in which he seeks for the real source of the great civil war, and deduces from it certain lessons salutary to all sections of the Union. He says:

"The war was not for conquest and subjugation, as is clearly shown by the animus controlling it during its progress and by its well-known results. It was not for personal liberty, because the action of the Southern States in no way endangered the life, liberty, or property of any citizen of the States remaining in the Union. It was not for human rights, or even the freedom of the negro race, as is sufficiently established by the repeated declarations of the war-making power, Congress, that the war was not to free the slaves. Every war for the rights of man has been defensive. Liberty is never aggressive—tyranny is ever. The war of the colonies against Great Britain, of 1812, and that of 1861 were in defence of constitutional liberty, personal freedom and private rights. It was not inaugurated from personal ambition, for it was

not begun by any one man, or by any cabal. It was the act of the people of the Northern States, through their instructed representative men in Congress. It was not for power, because they had all the power, and more than they had reason to hope they could acquire by war. Eleven States had voluntarily resigned and relinquished to the remaining States all power in the general government, and had left to them absolute control. It was not to preserve and perpetuate constitutional liberty. This is clear for many reasons: first, because aggressive war is the surest method to destroy constitutional liberty; secondly, because constitutional liberty was not imperilled by the withdrawal of a portion of the States, any more than if they had been submerged in the sea. The Constitution, in its operation on the remaining States, as States, and on their respective citizens as individuals, was as complete, as intact and as effective as when acting on all or on the original thirteen; thirdly, because the declared motive was solely to preserve the Union. Was it to propagate opinion? By no means. The only subject of difference was slavery. The North did not seek to convert us to their view. The fanatics so desired, but they did not shape events. The sober, cool men of the North counted the cost and cast the die. And they assured us, time and again, if we would return to the Union, slavery should remain intact. What, then, was the true motive, and in the absence of which there would have been no war? With shame I say it—in view of our boasted civilization—of our religious professions—of our common treasure, blood and sorrows, in gaining the victory which led to the establishment of the Union—that gigantic war was waged for mercenary gain.” And of the lessons taught by the war, he says that “material interest constitutes the strongest motive power of a people or a nation. . . . If material interests endanger the integrity of the republic, the next and cardinal lesson we have learned is, that in a community of material interests lies our safety from sectional conflicts and civil war. Had South Carolina been as much interested as New England,

or New England as little interested as South Carolina, in a protective tariff, in 1830, nullification would never have threatened the Union. Had the North been as much interested in slavery as the South, the great conflict of 1861 would have been unknown. In other words, had the people of the republic been homogeneous, brothers' hands would not have been imbrued in brothers' blood. To restore and preserve the Union, to make it stronger than our fathers framed it, we must have a community of sectional interests and a homogeneous people.

. . . The war has taught us, also, much of our weakness and much of our strength; much of our humanity, and some of our divinity. It was indeed a dreadful play which held ‘the mirror up to nature—showed virtue her own feature, scorn her own image, and the very age and body of the time her form and pressure.’ It has shown us the relative weakness and the absolute power of our own peculiar civilization. While slavery made us weak in our external relations, it aided in producing a civilization as grand as any on the globe.

“Of the mighty men in civil life from Washington, Jefferson and Madison down to a host of others now living, who were and are the monuments of our civilization, I need not speak. I speak only of the lessons of the war. It has taught us that the charge of the degeneracy of the South is the day-dream of the drivelling old man ancient. The intellectual power, military capacity, chivalric courage and lofty character developed by the war have never been surpassed in any age. And while I would not be invidious by distinctions, I assert that in no age has any one army been commanded by three such chieftains as Jackson, Johnston and Lee. But one age has ever produced as grand a character and great a captain of martial hosts as Robert E. Lee. The age was a century ago—the man was Washington. The history of his deeds is enrolled on the imperishable tablet of the heart of man. The volume of his life is the political New Testament of the enthralled of every clime and creed. The wealth of his fame is the richest legacy ever bequeathed to the race of Adam. His majesty with lineal hand confers

nobility on crowned heads. On his brow as he looks down on all mankind, save one, serenely rest, in rival grace and honor, the warrior's chaplet and the civic crown. That one excepted is Robert E. Lee, in every attribute the equal of the Father of his Country. Washington and Lee, twin children of the same commonwealth, twin offspring of the same civilization, twin rebel-patriots in the same holy cause; the very Gemini in the constellation of all earth's collected greatness. Washington was the first-fruits and Lee the full harvest of Southern civilization. Washington was its rising and Lee its setting sun. The threads of their golden lives form the richest bordering—the beginning and the end—of the grand fabric in all the varied woof and warp of time. Between their lives is bounded the only unclouded day of perfect freedom. The one came up at the rise of the republic—the other went down at its fall. Both drew their guiltless swords in defence of the dearest rights of man; the one to establish the God-given right of self-government; the other to maintain it. The one sheathed his sword not until the cause for which it was drawn was won, and joy smiled over the land; the other surrendered his sword not until that cause was lost, and darkness covered the earth again. But it is not for me to pronounce the panegyric of Lee, much less to attempt to draw his likeness. This generation cannot give his true dimensions. We stand too near him, and he is so rounded off that we lose sight of his grandeur in the symmetry of his proportions, as one who first looks on St. Peter's is deceived in its size by the perfection of its architecture. The hour and the man have not come to unveil the colossal monument of his fame. The light of that day may never gladden our eyes. Standing at its base, as we now do, we can only see it swelling in majesty towards the heavens, for around its lofty summit are rolling still the angry but dissolving clouds of war. But his life in the completeness of its sweetness and its strength is before us. The rich-toned harp is strung and its slumbering harmony woos the minstrel's master touch; but there is no living hand divine enough to sweep

the diapason of its mighty tones. In the fulness of time, when the present generation shall sleep with their fathers, and their passions shall sleep with them; when detraction, weary in its hopeless task, shall slink away in shame; when the next generation, as they move on, shall look back and contemplate his grand dimensions, some Pindar will be inspired to sing in fitting strain his triumphal ode and his encomium; some Homer to tell in verse of Attic purity and strength—yet not so pure and strong as he—the epic of his life; some Milton to test and prove his worth in the crucible of truth with his celestial fire. Yes—

“His high and mountain majesty of worth  
Should be, and shall, survivor of his woe;  
And from its immortality look forth  
In the sun's face, like yonder Alpine snow,  
Immeasurably pure beyond all things below.”

“And yet, while his military renown, which was the least of his achievements—for he had conquered himself and ruled his own spirit—will brighten with every succeeding age, let us remember that it was not achieved by him alone. It is indissolubly linked with the glory of as brave a band as ever drew the sword or fought beneath a plume. The fame of Leonidas rests upon the altar on which were richly offered up the lives of Sparta's three hundred bravest sons. The laurels of Marshal McDonald spring green and fresh on a league of Wagram's field, because it drank the blood of the immortal fifteen thousand who followed where he led. The daring deeds of Stonewall Jackson, his rapid movements, which invested him, in the belief of the superstitious, with ubiquity, and his sudden descents on the foe as he swept like a falcon to his prey, were only possible because high-born pride inspired his devoted band with a heroism that wearied out the stars in their march by night, and caught new strength from the rising sun as they rushed upon the flame of battle. So it is with Lee. His followers were nurtured in the same civilization with himself. Under the gray, in the Confederate rank and file, beat the great heart of many a Curtius, Cowles and Ney. If his glory is like the sun, theirs is like the stars. When the splendor of the sun is veiled

by night, we behold above us a few bright stars moving in grandeur over the field of heaven, whose names and pavilions and goings forth are known; but in their midst is seen in close column an undistinguished host pressing steadily onward, nameless and unknown, no one brilliant, but all together shedding a halo around the skies. For ages ignorant man called them a congregation of vapors. But the astronomer, drawing nigh, and scrutinizing their ranks in clear and passionless thought, has returned to earth with the revelation that they are an army of stars, differing from each other only as 'one star differeth from another star in glory.' And when the historian in after times shall turn his admiring gaze from the lustre of the greatest captain of his age, and from his brilliant subalterns whose names and deeds are known, to scrutinize that mighty host who, nameless and unknown to fame, barefoot and sore, marched under the banner of the Southern Cross, he will from their blended glory resolve their individuality and tell the children of this ignorant and malignant generation that they were, one and all, heroes as great as ever fought beneath the Cross to rescue from the Crescent the Holy Sepulchre, and patriots as pure in their devotion to liberty as the fathers of the republic. The civilization which made Lee possible, made it impossible for them to be else than patriots and heroes. 'They were swifter than eagles; they were stronger than lions.' And while we ascribe all praise to the head that planned, equal honor is due to the hearts that dared, and the hands that cleaved the way to immortality. All honor, too, to our noble women, at once the seed and fruit of the same civilization, who not with 'arrows drunk with blood,' but with smiles and praise and prayer, as invisible angels, walked by their sides through the fire of battle and 'fought from heaven,' even 'as the stars in the courses fought against Sisera.' "

Senator Norwood is a man of strong convictions and indomitable perseverance. Risen from the people he had his own way to make against the powerful competition of the somewhat exclusive and aristocratic class that monopolized

professional and public life in the Southern States in his earlier years. Educated in a denominational college, and in his youth intimately associated with the ministry of the Methodist Church, he early acquired a certain reticence and prudence which has largely influenced his character in later years. As a lawyer, he stands at the head of his professional brethren of his own age, and is distinguished for the clearness of his perception, and his concise manner of impressing others with his views. One of his ablest efforts of late years was his argument in the Telfair will case, in which he succeeded in setting aside the will in the Superior Court, and though this decision was reversed on appeal to the Supreme Court, one of the judges paid him the compliment of saying that his argument was one of the most powerful he had ever heard. As a Senator, he occupied a high position among the many able men who then represented the South, but whose difficult position in the National Legislature, for many years subsequent to the war, presented but few favorable opportunities for displaying their abilities. He gained the esteem and respect of men of all parties, was made a member of many important committees, and made more notable speeches on topics of engrossing interest than usually falls to the lot of members in their first term. As an orator, he is eloquent and impressive, and by the clearness of his argument carries conviction to his hearers, defending his own position with sound logic, and assailing his opponents with well-timed pleasantry. Extensively read in history and general literature, he has a classic mastery of language which adds a charm to his powerful oratory, while his clear illustrations of constitutional law and its application, and his vigorous and manly defence of the Southern people against their persistent calumniators, have gained him the confidence and esteem of his own section, and the respect of all.

Prudent and careful, but warm-hearted, he is liberal in the best sense of the term, and though too busy and somewhat too reserved to make numerous friendships, he has many warm admirers and devoted friends. He was married in





Chas. Johnson, Phil. PAID

John T. ...  
Eugene Scipion

1853 to Anna M. Hendree, daughter of George Hendree, merchant, of Richmond, Va., whose wife was a niece of Peter Tinsley, in whose office Henry Clay read law. He has three children living, his eldest son, George Hendree Norwood, being engaged in farming in the southern part of Georgia.

EUGENE GRISSOM, M. D., LL.D.

NORTH CAROLINA.

**E**UGENE GRISSOM, M. D., LL.D., Superintendent of the Insane Asylum of North Carolina, was born, May 8th, 1831, near Brassfields, Granville county, N. C. He is one of a large family scattered through the Southern and Western States, his father having seventeen children, of whom he was the sixteenth, and is related through both sides of his ancestry to some of the most important families in this country. His father, Wiley Hawes Grissom, was a farmer of the good old times, and lived to be ninety years of age. His grandfather, Oliver Wolcott Grissom, was a relative of the celebrated revolutionary hero, General Oliver Wolcott, a signer of the Declaration of Independence, Chief Justice in the Court of Common Pleas of Connecticut, Major-General and member of the Continental Congress, who died in 1797, while filling the Gubernatorial chair of his State. General Wolcott's father, Roger Wolcott, was also Governor of Connecticut, and lived to the age of eighty-eight years, having been born in 1679. His mother was the sister of the celebrated John B. Bobbitt, who taught for many years in Louisburg and Raleigh, and is probably more widely known than any other teacher in the early era of North Carolina. By his maternal grandmother, Dr. Grissom is related to the Hendersons, Hilliards, Sneads, and other well-known families. His early education was that of a son of a quiet farmer, in those days confined to the work of the "old field-school"—the college of so many statesmen. At the early age of seventeen he engaged in teaching, and with the proceeds of his own exertions entered

the excellent school at Graham, conducted by Rev. J. R. Holt. Completing a course, he returned to the teacher's desk, but in 1852 he was appointed, by A. Landis, of Oxford, Deputy County Clerk, and commenced the study of the law with R. W. Lassiter, Esq., of Granville. The following year he was elected Superior Court Clerk by the people of Granville.

Having a natural taste for the study of medicine, he pursued it, under Dr. Herndon, of Oxford, N. C., during his clerkship, and entering the University of Pennsylvania in 1856, received his degree of M. D. in 1858, and before leaving the University, had the honor of presiding over an assembly of the large and influential class with whom he graduated. Returning to North Carolina he entered at once upon a large country practice, extending over a wide area, with unceasing claims upon his energies and urgent appeals never disregarded from the poor and suffering. In September, 1861, being convinced that North Carolina had no alternative but to manfully accept the struggle forced upon her, he raised a company of volunteers, the Neuse River Guards, and joined the 30th N. C. Regiment, Colonel Parker, having declined an appointment as Assistant Surgeon tendered by Governor Ellis in order to serve directly in the line. His regiment was ordered to the mouth of the Cape Fear river, and continued in service there until May, 1862, when it was ordered to Richmond. Just before the opening of the "seven days' fight" around Richmond, Captain Grissom received a severe wound while in command of the companies engaged in skirmishing and feeling the way for the advance on the Federal lines, and was the first officer wounded after the army of Northern Virginia passed under the final command of General R. E. Lee. The ball passed through the right breast, breaking the clavicle and fracturing the scapula in its exit. While still confined to the dreary pain and monotony of the hospital ward in Richmond, where his life was spared by a miracle in the midst of destroying erysipelas, he was elected to the House of Commons on the ticket with J. S. Amis and Robert Gilliam, and became the leader of the dominant party in the

House, 1862-63, and was re-elected in 1864. The sessions were frequent and long, and the conflict was severe between the advocates of the maintenance of the privileges of civil law astride of military jurisdiction, and those who favored extreme revolutionary measures in the interests of military control, without regard to the chartered rights of the citizens, as they thought, for the success of Southern independence. He was especially vigilant in defending the rights of his State from administrative encroachment, and reported the famous resolution protesting against the suspension of the writ of *habeas corpus* by the Confederate government, Judge Warren supporting the resolutions in the Senate and Dr. Grissom in the House on the same eventful day. Two of them read as follows:

"*Resolved*, That while the people of North Carolina have ever been, and still are, anxious to strengthen the administration of the Confederate government in common cause, in order that we may have a speedy and honorable peace, we view with deep concern and alarm the repeated and manifest infractions of the Constitution by the Congress of the Confederate States; and this General Assembly doth in their name protest against such infractions, as of pernicious example and fatal tendency."

"*Resolved*, That the act of the late Congress entitled, 'An act to suspend the privilege of the writ of *habeas corpus* in certain cases,' violates the fundamental maxim of republican government which requires a separation of the departments of power, clothes the executive with judicial functions which Congress cannot constitutionally confer on the judiciary itself, and sets at naught the most emphatic and solemn guarantees of the Constitution."

Dr. Grissom supported these resolutions in a speech of great logical force, appealing to a patriotism which looks to the lasting weal of the whole framework of society. He said:

"The history of the dismemberment of nations may be searched in vain for a parallel to this struggle in which popular sentiment has sustained with such unanimity the proposed separation. The laborer left the plough, the

mechanic his workshop, the old man gave up with patriotic cheerfulness his last boy, and the widowed mother released from her fond embrace her sons one by one until she stood, like the lifeless trunk of the forest, leafless and limbless. Such was the ardor and enthusiasm with which North Carolina rushed to the conflict for national independence and civil freedom long before conscription was thought of or resorted to. So great was the public spirit of her citizens that from every town and district soldiers like 'armed men from the teeth of Cadmus' sprang forth with such rapidity that in a few months North Carolina had raised, equipped and tendered seventy odd regiments to the Confederacy. . . . They have endured privations and sufferings without complaint, met danger and death without faltering, and snatched victory from the jaws of defeat without invidious triumph. They have been patient in suffering, defiant in danger, modest in victory. Their bones bleach upon every battle-field, from Bethel to Spottsylvania's crimsoned soil. . . . In the very inauguration of the war, it is true North Carolina hesitated to leave the Union for the then existing causes. She was anxious to avert the difficulty without bloodshed. She was slow to plunge the country into the horrors of a war of desolation, which would spread a pall over the whole land and bring mourning into every family circle. But when she linked her destiny with her sister Southern States, from that time she has done her duty, and her whole duty. . . . In reply to the argument of necessity, the country asks, When and where is this encroachment upon States' rights to end? We are engaged in a great struggle for freedom; shall we sacrifice its principles among ourselves while gallantly defending them against invasion by others? This unnecessary suspension of the writ of *habeas corpus* is the entering wedge to military despotism. Was the tyranny of Robespierre less intolerable, oppressive or odious because inflicted in the name of the people? . . . North Carolina has given up her peace, her wealth and her children, but she cannot surrender her sovereignty, her liberty and her honor."



Dr. Grissom was a member of the important Military Committee, and author of the bill to appropriate \$300,000 for the benefit of the sick and wounded soldiers of North Carolina. The provisions of this act were instrumental in the relief of a vast amount of suffering throughout the State. He also vigorously supported a bill of similar intent, to appropriate \$1,000,000 for the relief of the indigent families of soldiers. This act was duly passed, but as it was then late in the struggle, State credit had been too far depressed to render the proceeds available. As a member of the Military Committee, he was the author of the Ten-regiment Bill, which contemplated the raising of ten regiments of troops under the authority of the State, sanctioned by the act of Congress, for special service in local defence. The troops were to be furloughed to plant and gather the usual crops, but to assemble on short warning for the defence of the coasts whenever threatened with attack. This was an effort to prevent the oncoming of the very season of starvation which eventually destroyed the army of Lee, as by a general atrophy, during the last two winters of the war. It has been estimated that 60,000 men were drawn into desertion, and back to their homes, by the cries of weeping and starving wives and ragged children, gaunt with famine. The organization proposed would have resembled the Garde Mobile as attempted by the French, or more probably the Landwehr of the Germans in the Franco-Prussian war, which proved so efficient an arm of the service that nearly every nation of Europe has incorporated the principle in its military organization, as the most admirable means of preserving the balance of armed contingents and industrial supply. The bill passed the House, but was subsequently rejected by the Senate, with a clamor against it, as hostile to the central power at Richmond, and interfering with the execution of the conscript law in the general defence of the country. Dr. Grissom spent his time during the intervals of his legislative duties in visiting the troops of North Carolina in the various camps and hospitals, and relieving their wants by aid from the State. Governor Vance had at this

time commissioned him as Surgeon with the rank of Major, and his duties grew more arduous and unremitting as disease and death made fresh havoc daily, and the hopes of the Confederacy went out in gloom and overwhelming disaster. Nothing, indeed, was left in that dark hour but the offices of humanity to the stricken. The war over he returned to his practice as a country physician, but was soon called from his retirement by being elected to the reconstruction Convention called by President Johnson. He was placed upon the Committee to report the repeal of the ordinance of secession.

Subsequently he received the appointment of aide-de-camp on the staff of the Provisional Governor with the rank of Colonel. Here it was his good fortune to render a beneficent service to the State by active and successful efforts to secure the pardon of many leading citizens who were at that time in jeopardy. In these quiet days it is not easy to realize the situation of public men in 1865. How much of the confiscation that stained the annals of other States, the effects of which last until the present day, and how much of personal indignity and jeopardy of life or freedom was saved to the foremost men of the State by the moral courage of a few such men, will never be known. In 1868 he was appointed Superintendent of the Insane Asylum of North Carolina, and, accepting the sacred charge of the most unfortunate of our fellow-beings, and the solemn responsibility of providing for and watching over their interests, he rose to the dignity of the office and put from him all the turmoil of political life and the promptings of ambition. In 1868 he declined the nomination for Lieutenant-Governor at the hands of the Republican party, and since his stay at the asylum repeated offers of nomination to Congress and other positions within the gift of the people have been firmly declined. It is no small praise to the specialty of physicians for the insane throughout the United States that their record everywhere is free from partisan struggle, devoted as are their lives to the ministrations upon the most intense of human agonies. Ably seconded by the assistant physician, Dr.

F. T. Fuller, Dr. Grissom may be said to have revolutionized the institution; radical improvements have been introduced in heating, lighting, cooking, washing, and ventilation—in the character of the outbuildings and grounds, but more especially in the establishment of the harmonious system of administration by which the greatest happiness of all is combined with the greatest efficiency of service. Dr. Grissom seems to have been fitted by nature for the peculiar duties of his profession. Magnificently proportioned physically, his excellence does not consist in mere physical power: it is his great mental influence that challenges admiration and makes him especially fitted for his work, by the possession of that inherent, moral, or mesmeric power which divines the cause of disease, the remedy, and the mode of cure, and which influence looking out of his eyes, even among the most violent of his unfortunate patients, inspires a respect and reverence that could be felt for no ordinary man. Perhaps amid all the generous appreciation which his labors have received from the press, the medical profession, and the public of North Carolina, no tribute can be more grateful to Dr. Grissom than the graceful letter of the celebrated Miss D. L. Dix, sister of General Dix, formerly Governor of New York, to whose efforts the very establishment of the institution is due, and whose fame and works of humanity in connection with the insane are world-renowned:

“EUGENE GRISSOM, M. D., Superintendent of the Hospital for the Care and Cure of the Insane of North Carolina:

“SIR: I cannot leave your institution, in which as the guest of the State and of your family I have spent so many days in observing the conduct of all the affairs which affect the well-being of the patients committed to your care, and not express my great satisfaction. Not only do I find you earnest and active in promoting the comfort of the insane and applying all the means at your command for their restoration, but I see everywhere evidence of vigorous measures for improving the buildings and bringing your grounds and farms into higher

cultivation for the advantage of the inmates, while you, at the same time, keep in view a just regard for the interests of the State of which you are an officer in trust. Your sense of duty has been joined with a discriminating judgment in the choice of officers and employes, who work in concert and harmoniously in all the departments of the institution within and abroad. I especially congratulate you in the earnest and constant devotion to the welfare of your patients found in your friend and assistant, Dr. Fuller. The affection and respect which all manifest for him is the surest evidence of his merit. Your success, sir, under the very embarrassing and difficult circumstances accompanying your first action in the State Hospital is as remarkable as it is gratifying, and is an augury of continued and increasing prosperity. With esteem and just appreciation,

“D. L. Dix.”

In May, 1877, a minute examination was held into the affairs of the institution, its organization and management, and several important changes were made by the Superintendent and Board of Directors. As the appropriation was insufficient to defray the expenses until the close of the year, the salaries of all officers and employes were reduced twenty per cent. for the last five months of the year, and all work not absolutely necessary was discontinued for a like period. Every facility was given for this investigation, especially by the Superintendent, and the reduction in salary was cheerfully acquiesced in by all. The total admissions to the asylum since its opening on the 22d of February, 1856, to December 1st, 1877, have been 1,226. The total number of discharges for the same period 948, of whom 315 were cured, 122 improved, 180 unimproved, and 328 died, leaving at that date under treatment 278. During the last year there were 151 new applicants for admission, but only 53 were received and that with great difficulty. The whole number under treatment during the year was 160 males and 157 females. There were 39 discharges, of whom 13 were cured, 8 improved, 3 unimproved, and 15 died. The cures upon admission were 24 per cent.,

and, including the much improved, 40 per cent. The deaths upon number under treatment 5 per cent. The number constantly pressing for admission is so great that, with a capacity barely sufficient for 224 patients, the Superintendent has been compelled to care for, treat, and support during every day of the year 278 patients, the highest number under treatment at one time being 287, the lowest 264, and the daily average 278. It should be remembered that insanity is rarely recognized at the onset because so insidious in its character, and so apt in the popular mind to be confounded with ordinary infirmities of temper or various other forms of disease. Too often the golden moments of early recognition and speedy cure are lost before some outbreak forces the conviction of the dread reality upon the friends of the victim.

The average expense per capita of thirty-six public institutions in the United States as stated in the report of the Superintendent of the New York City Lunatic Asylum is \$266.81, while the appropriation for 1877 to the Insane Asylum of North Carolina was but \$226.62 per capita, and Dr. Grissom in his report (1877), makes an eloquent and urgent appeal for an increase in the appropriation from the State to at least \$250 per capita.

Dr. Grissom's long-continued efforts and eloquent appeals for the increase of accommodation for the insane were crowned with success in March, 1875, by the passage of the appropriation for the Western Insane Asylum of North Carolina now in process of erection at Morganton. The Legislature acknowledged his services in the cause of humanity by electing him one of the Building Commission. In May, 1877, the degree of LL. D. was conferred on him by the Faculty and Trustees of Rutherford College, N. C. Dr. Grissom was a delegate to the 28th Annual Meeting of the American Medical Association held in Chicago in May, 1877, and a member of a Special Committee to whom the recommendations contained in the President's address were referred; Chairman of Section 4—Medical Jurisprudence, Chemistry and Psychology; a member of the Judicial Council, and

seconded in a neat and effective speech the resolution of peace and good will among the American Sisterhood of States. He was also a delegate to the Convention of the Association of Medical Superintendents of the Insane Institutions of the United States and the Canadas held at St. Louis, Mo., May 30th, 1877, at which he delivered a very interesting address on the subject of "Mechanical Protection for the Violent Insane." This address was called forth by, and was a reply to, a sweeping attack upon American Insane Asylums in the *London Lancet* from the pen of Dr. John Charles Bucknill, M. D., F. R. S., and a Commissioner of Lunacy in England, who had visited America a few years ago for his health. During his stay here he made several short visits to several American Institutions for the Insane, and from what he there hastily gleaned he proceeded on his return to England upon a wholesale condemnation of American institutions. Dr. Grissom's reply was based upon carefully gleaned statistics and entirely refuted Dr. Bucknill's hasty conclusions. He clearly explained the nature and philosophy of mechanical restraint, and proved it to be preferable for a patient to be held in mechanical check during paroxysms than to be allowed to injure himself or others by his violence. The paper was received with hearty applause, and he was thanked for his able vindication of American asylums. This address has since been published in pamphlet form, and has met with the highest encomiums from the press. At the meeting of the University Normal School at Chapel Hill in August, 1877, Dr. Grissom delivered a lecture entitled "Mental Hygiene for Teacher and Pupil," on health of body as necessary to health of mind, full of practical wisdom and enforced by many apt illustrations, pointing out with wise, skilful, and tender hand the dangers that surround the too ardent student, either as overworked teacher or too sharply urged and ambitious pupil, which made a deep impression on all who heard it. One well-known teacher exclaimed as he drew his breath when the lecture was finished, "Well, Dr. Grissom has convinced me that I have been treating myself, as

well as my pupils, foolishly. I am going to turn over a new leaf." During this same address he thus eloquently referred to the Great Confederate Hero as an exemplar: "Let me point you to a great exemplar in your profession, whose arm kept a million men at bay through the smoke of a hundred battle-fields, and then, when hope furled her flags forever, buried in grandest silence in his own bosom his country's and his own griefs, and turned to teach the children of the men he had led in battle—greater at Lexington than at Chancellorsville, and who, when his great heart broke at last, left his gracious memory a gift to humanity. This was the man who, watching the last struggle of a handful of men in the last hour of defeat, cried, 'God bless North Carolina'—need I name Robert E. Lee?" This lecture has also been published as a pamphlet and met with a wide circulation. Another brilliant lecture which has been delivered by Dr. Grissom by invitation at numerous places in North Carolina is "The Border-Land of Insanity, with Examples Selected from the Illustrious Insane," in which he lays down the proposition that there is no such thing as a diseased mind where the body is in perfect health. But let this condition be destroyed by imperfect organization of the brain at birth, or by mechanical injury to its vessels, whether by violence or disease, or by poisoned blood circulating through its structure, and by degrees the man drifts into the catalogue of the insane. His examples are drawn from illustrious warriors, philosophers, kings, poets, prophets, artists, patriots and statesmen; and in felicitous language and with apt illustration he proves that excess, whether mental or physical, be it inherited or self-imposed, is the unerring forerunner of insanity—and startles us by recounting but a few of the illustrious of all ages who have dwelt in that mysterious border-land, the realm where genius and madness dwell with divided sway.

His contributions to medical science have been "Mania Transitoria," an article published in the Transactions of the North Carolina Medical Society, 1876. "Notes on Epilepsy," pub-

lished in the Transactions of the North Carolina Medical Society, 1877. "Mechanical Protection for the Violent Insane," a reply to "Notes on American Asylums," by John Charles Bucknill, M. D., F. R. S., England, read before the Association of Superintendents of American Institutions of the Insane at St. Louis, June, 1877. "The Border-Land of Insanity, with Examples Selected from the Illustrious Insane," a popular lecture delivered in various places in North Carolina. "Mental Hygiene for Pupil and Teacher," a lecture delivered at the Normal School, at Chapel Hill, August, 1877; and his voluminous "Annual Reports" of the Insane Asylum of North Carolina. He has achieved a high and well-deserved reputation in his peculiar field of labor, having been elected Vice-President of the Section on Mental Disease, by the International Congress, composed of eminent physicians, held in Philadelphia in May, 1876. Chairman of the Section on Medical Jurisprudence, Chemistry and Psychology at the Convention of the American Medical Association, held in Chicago, 1877. Member of the Judicial Council of the American Medical Association, at Chicago, 1877. Honorary Member of the two Literary Societies of Rutherford College, North Carolina. He is also a Trustee and one of the Directors of the Peace Institute, a Presbyterian Female College in Raleigh. A member of the Executive Committee of the Agricultural Society, held at Raleigh. He is Deputy Grand-Master of the Masons of North Carolina, and made a touching and solemn oration to his brethren of the Grand Lodge on the death of Past Grand-Master William G. Hill.

As a man, Dr. Grissom combines the gentleness of a woman with the nerve and courage of the lion. Amiable in private life, he has that mysterious magnetic quality which attaches to him every one with whom he is associated. He has a lofty scorn of everything ignoble or mean, and his sympathies are always on the side of the weak and the oppressed. He is the very soul of honor, as understood and appreciated by men of high integrity. Gifted with genius, he joins to it strong common sense; and if he had chosen

the profession of the law, he would have been, like S. S. Prentiss, as celebrated for his logical attainments as for his brilliant powers of imagination. It is no wonder that a man thus endowed, and thus improved in the school of early poverty and of intense mental application, should have attained the high position he now occupies in the medical fraternity of the nation, and impressed himself so indelibly on the minds and hearts of the people of his native State.

He married, January 10th, 1866, Mary Anna Bryan, daughter of Michael Bryan, of Cape Fear, a wealthy rice-planter in Brunswick county, N. C., and has two sons and two daughters.

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### JUDGE MARR.

#### LOUISIANA.

**R**OBERT HARDIN MARR was born at Clarksville, Montgomery county, Tenn., October 29th, 1819, and is the son of Peter Nicholas Marr, and grandson of John Marr, of Henry county, Va. His mother, Ann Goodloe Hinton, was the daughter of Kinbrough Hinton, of Wake Forest, N. C., and Letitia Harper, a sister of Robert Goodloe Harper. He received his early education at a school near Clarksville, Tenn., conducted by his maternal uncle, John H. Hinton, and from thence entered the Junior Class of Nashville University, whence he graduated October, 1838. Immediately after graduation he commenced the study of the law under the direction of his father, who although not a lawyer by profession, was well read in elementary and statute law. From his father he inherited the most profound respect for the Constitution of the United States and admiration for the wise and patriotic men by whom that Constitution was framed. He was admitted to the Bar early in 1841, and practised his profession first at Hickman and afterwards at Salem and Princeton, Ky. He took an active part in the Presidential contest of 1844 as Assistant Elector in his district, which was then represented in Congress by Linn Boyd, and during the canvass

edited the *Princeton Examiner*, in support of the candidature of Henry Clay. In May, 1845, he removed to Louisiana, and was admitted to the Bar of that State in February, 1846, by the court over which Judge Martin presided. He was admitted to the Bar of the Supreme Court of the United States in December, 1850. Beyond an occasional newspaper article, and recording his vote at each election, he took no part in politics until the Presidential election of 1860, when he canvassed North Louisiana for Bell and Everett, the Whig candidates. He was opposed to the separate secession of the States, and through the columns of the *Picayune* and other papers, and in public speeches, expressed his views in favor of "Co-operation." When Louisiana seceded he went with his State and gave his heartiest sympathies to the Confederate cause. Born and educated in a Southern State, of Southern-born parents, his every feeling and interest were in sympathy with the South in the stupendous conflict which he had anticipated and striven to avert, and his feeble health alone prevented his active participation in the war. When the Federal force took possession of New Orleans he refused to take the oath of allegiance to the United States and closed his office. In May, 1863, he was expelled under military orders with the rest of the registered enemies, and took refuge with his family on a plantation belonging to his wife, near Tuscaloosa, Ala., where he remained until the close of the war. In November, 1865, he went to Washington to attack the "Lawyer's Test Oath," by which, in common with Southern members of the Bar in general, he was excluded from practice in the Federal courts. He based his motion to be allowed to resume his practice in the Supreme Court of the United States, to which he had been admitted in 1850, on the ground that the act of Congress which required the test oath, deprived him of a vested right without due process of law, and was violative of the Constitution of the United States, and that any offence which he might have committed against the government had been pardoned, and he had been rehabilitated by the

Amnesty Proclamation. Hon. A. H. Garland, of Arkansas, now a member of the United States Senate, had made a similar application, and the two cases were heard together. Hon. Reverdy Johnson and M. H. Carpenter appeared for Mr. Garland, while Judge Marr argued his own case on a printed brief; and afterwards, when a reargument was ordered by the court, orally. The decision, rendered January, 1867, was the means of opening the Bar of the Federal courts to Southern lawyers.

Judge Marr took no part in public affairs until 1872, when he supported the McEnery ticket. In August, 1873, he was chosen Chairman of the Committee of Seventy. In December, 1873, he went to Washington, and, in conjunction with H. N. Ogden, the late Attorney-General of Louisiana, argued before the Senate Committee on Privileges and Elections, against the claim of P. B. S. Pinchback to a seat in the United States Senate. He remained in Washington several months endeavoring to obtain from the United States Senate recognition of the McEnery government. On his return to New Orleans he took part in the trial of the Grant Parish prisoners in the United States Circuit Court. In August, 1874, he was President of the Democratic and Conservative State Convention which met at Baton Rouge, and took an active part in the canvass of that year as Chairman of the State Central Committee. He was recognized by the people as a bold, fearless and outspoken counsellor, and to his eloquent denunciations of the lawless usurpations of the Kellogg administration was due, in a large measure, the uprising of the people of Louisiana and the overthrow of the Kellogg government on the 14th September, 1874. In March, 1875, he argued the case of the Grant Parish prisoners before the Supreme Court of the United States. In 1876 he was a member of the National Convention that nominated Samuel J. Tilden for President, and was Vice-President of the State Convention at which Francis T. Nicholls was nominated for Governor of Louisiana, and took an active part in the exciting canvass that ensued. On the inauguration of Governor Nicholls, in January, 1877, he

was appointed one of the Associate Justices of the Supreme Court. This elevated position he has filled with that dignity, ability and integrity which has marked his whole career and has gained for him the confidence, respect and esteem of all classes; while his bold and manly course in opposition to the Kellogg usurpation, and his long-continued efforts to restore constitutional government in Louisiana, have won for him the warmest regard and gratitude of his fellow-citizens.

Judge Marr was married, February, 1850, to Mary Eliza Jane Marr, daughter of William M. Marr, his paternal uncle, of Tuscaloosa, Ala.

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#### JUDGE J. A. MEREDITH.

##### VIRGINIA.

**J**OHAN A. MEREDITH was born in the county of New Kent, Va., on the 4th of March, 1814. The Meredith family is of Welsh descent, and one of the oldest in the State. The name is found in the chronicles of Wales, among its kings, princes, and bards, from its earliest history to the day of its final and heroic struggle for independence. The name appears after the fusion of the many kingdoms and principalities of the isles under the British Government in Cheshire. During the civil wars, in the time of Cromwell, some of the family removed to the colony of Virginia. During the latter part of the seventeenth century we find the name Meredith in the register of the parish of Stratton Major, in King and Queen county. The family is assigned pews near the Governor's, when pews were allotted with reference to the social rank of the parties.

In the early part of the seventeenth century Richard Meredith is living on a large estate in Hanover county, and was Inspector of Tobacco at New Castle, under the Colonial Government. He left two sons, Elisha and Samuel. Samuel was adventurous, and we find him, after the French war, petitioning his Majesty's Council for lands, in consideration of services in the



*John A. Meredith*





war, under a royal proclamation dated 7th of October, 1763. He married the sister of Patrick Henry, and we find the Hanover Volunteers for the Revolutionary war meeting at New Castle, on their way to Williamsburg, with Patrick Henry, Captain, and Samuel Meredith, Richard Morriss and Parke Goodall as Lieutenants. Samuel Meredith served with credit during the Revolutionary war, became Colonel, and died at an advanced and honored old age, leaving descendants to be found to-day among the noted families of Virginia and Kentucky. His brother, Elisha, married the daughter of James Cocke, the Clerk of Henrico county, and lived at the old homestead in Hanover. He had sons and daughters. Two of the sons, after being educated at William and Mary College—William and George—died, leaving no issue. Another son, Elisha Meredith, Jr., married Anne Loyne Clopton, the sister of John Clopton, who represented the Richmond district in the Congress of the United States for twenty years. Elisha Meredith, Jr., died at the age of thirty-four years, leaving a widow and large family. She was a lady of great intelligence, and gave to her children good educations. One of her sons, Robert Meredith, married Miss Anderson, of Hanover, whose family removed to that county from Bedford. He was a planter, and resided on the old homestead, and of this marriage was born John A. Meredith.

After attending the ordinary country schools of that day young Meredith was placed under the charge of Dr. Silliman, a Presbyterian minister, and nephew of Professor Silliman, of Yale College, who was then the master of a large school at St. Peter's church, in New Kent county. Dr. Silliman was a thorough scholar, and he took great care in training young Meredith, in whose mind and character he discovered high promise of usefulness and eminence in life. After several years of most profitable tutorage in this school, young Meredith, under the advice of Dr. Silliman to his mother, would have been sent directly from there to the University of Virginia, had he not himself expressed a desire to spend a year at the school of Dr. William

Burke, in the city of Richmond, then considered the best preparatory school for the university to be found in the State, or perhaps in the country. Having completed a term there, he entered the university in the seventeenth year of his age, and at the close of his third session he graduated with distinction, easily obtaining the degree of Master of Arts. His was the third class in which that high degree had then been taken since the first opening of the university.

Young Meredith was remarkable among his fellow-students for his thoughtful and studious habits, manifesting but little taste for boyish games and sports. He was distinguished for the facility with which he mastered the most difficult intellectual tasks, and for the rapidity and thoroughness with which he ascended from step to step in the high and always heightening scale of his studies. At the primary and preparatory schools he was always in advance of the boys of his own age. After completing his collegiate course he entered upon the study of law in the office of Conway Robinson, in Richmond, and lived in the family of his near relative, Judge John B. Clopton. Thus he had the benefit of instruction from both these accomplished, able and celebrated jurists. He selected the city of Richmond as the field for his professional labors, and he came to the bar with the same resistless energy and zeal that characterized him all through the years in which he had been laying his foundation for it. In addition to the courts of the city he attended those of the neighboring counties of Hanover and New Kent. Very soon he formed a partnership in the practice with his old college friend and room-mate, John B. Young, Esq., which association was continued to the time of Mr. Meredith's promotion to the Judgeship of the Richmond Circuit, an honor no less deserved than his appointment as Attorney for the Commonwealth for the County of Hanover, when he had been but a few months at the bar, and which continued to be borne by him successfully until the mode of filling the office was changed by the constitution of 1850-51. He rose steadily in his profession from his first entrance upon it, winning and retaining

the confidence of his brother lawyers and of the community, extending his reputation as a jurist, and always standing in the front rank of his cotemporaries. Though repeatedly urged to become a member of the Legislature, Judge Meredith invariably declined, preferring to seek distinction in the line of his profession. In 1851 he consented to become a candidate for the famous State convention of that day, and he was elected, among many other able men from every section of the Commonwealth, to aid in amending the Constitution of Virginia. His immediate colleagues were John Minor Botts, James Lyons, Robert G. Scott, Robert C. Stanard and Hector Davis. Judge Meredith took an active and prominent part in the proceedings of the convention; and on those grave and exciting questions, the mixed basis of representation and the re-eligibility of the Executive, his speeches were conspicuous for force of argument, compass of thought, clearness of style, and the compactness of the powerful points as he made them and pressed them to conclusions. They were published in the *Richmond Examiner*, and at once by all thinking men he was regarded as one of the rising statesmen of the State. Subsequently he yielded to the importunities of the people, and, consenting to become a candidate, he was elected as the State Senator from the city of Richmond. He there maintained the high reputation he had made as a member of the convention, participating actively in the discussion of all measures of interest to Richmond or to Virginia. And in virtue of his ability, his intelligence, his exalted character, and his easy, well-bred bearing, he was one of the most popular and useful men Richmond ever had as a representative in the General Assembly of the State. Whilst a member of the Senate he was elected by the people Judge of the Circuit Court of the City of Richmond, beating his competitor, the eminent and able lawyer, Robert C. Stanard, by a very decided vote. He entered upon the duties of the office in July, 1852, and he discharged them with entire satisfaction, as was significantly shown in his re-election, without opposition, in 1860. He held the office

throughout the period of the war. When the wheels of the State government were stopped by military authority, after the failure of the Southern cause, Judge Meredith, along with all the other officers of the State, was removed. As soon as General Halleck came into command at Richmond, in May, 1865, there being no civil court in the city, he was solicited by many of the leading lawyers to institute a tribunal for the adjustment of Confederate contracts. He created a court which he styled a "Court of Conciliation," consisting of three members, and Judge Meredith, Judge Henry W. Thomas and Judge William H. Lyons were selected, Judge Meredith being the President of the court. Full powers for the decision of all questions growing out of Confederate transactions were conferred upon them by the military order creating the court; a clerk was appointed to keep a record of the proceedings; litigants and witnesses were summoned by a sergeant, and the judgments of the court were enforced by a military officer; each suitor was required to deposit with the clerk a small sum to pay expenses. The first and most important question presented for the decision of this court was the principle on which Confederate money should be scaled; almost all the leading members of the bar in the city took part in the discussion, as the whole community was interested in it. After the most careful consideration the court unanimously held that the Confederate money should be scaled at the date of the contracts. Judge Meredith was selected to deliver the views of the court, which he did in an able and exhaustive opinion. The decision was approved with great unanimity throughout the State. Upon the reorganization of the courts of the Commonwealth, the principle thus established was adopted by all the circuit judges, and thousands of contracts were readily and satisfactorily settled upon this principle, without a resort to litigation. It continued to be the rule for the adjustment of such transactions until the decision of *Dearing vs. Rocker* by a majority of the Court of Appeals. They reversed the decision of the Court of Conciliation, and held that the

time for scaling the Confederate money should be the date of the performance of the contract, or the payment. From this decision of a court of three judges, Judge Moncure dissented in an exceedingly able opinion. This decision of the appellate court did not receive the approbation of the profession, and it has given rise to most of the litigation growing out of Confederate contracts which has since burdened the dockets of the courts.

When the Alexandria government became established in the State, in August, 1865, Governor Pierrepont appointed Judge Meredith to his old position as Judge of the Circuit Court of the City of Richmond, and at the ensuing session of the Legislature he was unanimously elected Judge of that court. He continued to fill the position until, by act of Congress, all the offices of the State, on the 20th of March, 1869, were declared vacant. Judge Meredith then resumed the practice of his profession in Richmond, and by reason of his extensive acquaintance throughout the State and of the high reputation he had won on the Bench, he at once succeeded to a large and lucrative practice; in the Supreme Court of Appeals as large as that of any lawyer in the State; and he has been engaged, too, in many of the most important cases in the Federal courts. On the reorganization of the city government, in 1871, he was elected, by the Council, City Attorney, a position which he held two years. Since his return to the bar, Judge Meredith has declined political preferment, and though nominated for a seat in the Legislature from the city, he has rigidly adhered to the practice of his profession. He has since consented to serve the city in the Board of Aldermen, as it would not interfere with his professional engagements, and he has been twice elected President of that body, a position he now holds.

As a politician, Judge Meredith was always a consistent Whig. He was a warm admirer of Mr. Clay, and he entered the arena of politics, for the first time, in the canvass between Clay and Polk, in 1844. He was chosen President of the Young Men's Clay Club, in Richmond,

made speeches in various sections of the State during the progress of that campaign, and won a high reputation as a political debater; as a consequence of that reputation he was appointed elector for the Richmond district on the Taylor and Fillmore ticket in 1848. His Democratic antagonist in that contest was Robert G. Scott, an able lawyer and eloquent speaker. The canvass between them was very active, and Judge Meredith acquitted himself with great distinction, winning plaudits everywhere, and giving entire satisfaction to his party. At its close he was earnestly urged to become the Taylor candidate for Congress from the Richmond district, but he declined, and continued to practise his profession steadily and successfully, until his promotion to the Bench. His political speeches were not only marked by great power of argument, but they were distinguished also for the information which they imparted and for the clearness, force and easy elocution with which his views were presented. Whilst on the Bench he abstained from all participation in politics, though adhering consistently to his political faith as a Whig. On his removal from the Bench, in 1869, he was at once placed on the Central Committee of the Conservative party, and he has been active and prominent in every canvass in which the party has been engaged. In 1873 he became Chairman of the committee, and his printed addresses to the people of Virginia, in that capacity, were recognized by all intelligent and discriminating men as masterpieces of true statesmanship—strong, clear, and from first to last filled with the most valuable information. They were the armories from which the conservative canvassers in the State drew their facts, and many of their arguments with which radicalism in Virginia was so successfully assailed. Judge Meredith resigned this position after holding it three years. He was sent as a delegate to the Democratic Presidential Convention last July, was there made Chairman of the Committee on Resolutions, and became known to the nation in reporting the platform of the party.

But it was as a judge that he was eminently

distinguished. When John Marshall, Chief-Justice of the United States, deprecated, in his thrilling appeal before the Virginia convention of 1829-30, "an ignorant, a corrupt, or a dependent judiciary, as the greatest scourge an angry heaven ever inflicted upon an ungrateful and sinning people," he gave utterance to as memorable words as ever fell from uninspired lips. Perhaps no language has been more frequently quoted than this celebrated sentiment of the renowned and venerable judge, himself wise, pure and fearless, and the best exemplar of what a judge should be. It might be difficult to tell whether ignorance, corruption or dependence alone, without the union of the other two, would constitute the greater evil. The union of the three in one man, elevated to the bench, is rarely if ever seen; and when seen would make a monster indeed, of horrid and frightful proportions, beyond even those contemplated by the Chief-Justice: what was sufficient in his eyes to make of the judiciary "the greatest scourge of an angry heaven" was the presence of any one of the three.

In the person of John A. Meredith, who wore the judicial ermine from the year 1852 to the year 1869, presiding as sole Judge over the Circuit Court of the City of Richmond, through that long and memorable period of seventeen years, not one of the elements deprecated by Judge Marshall was found; but on the contrary justice was administered by him over the most important circuit by far in the Commonwealth of Virginia, and through all those chequered years of vicissitude and transition and peace and war, with enlightened, honest and fearless independence. His training had eminently fitted him for the grave, trying and responsible duties and severe and exacting labors of the bench, to which he was raised at the age of thirty-seven. He had been honored frequently by the people with high trusts alike in the Senate and in the State Convention of 1850-51. He had practised his profession with flattering success, not only in the city of Richmond but in the counties adjacent to it, long enough to have become perfectly familiar with the com-

mon law, chancery and criminal procedures, but not long enough to have become so much of an advocate as not to be able to become a judge. He had enjoyed an extensive acquaintance, not only with courts and juries, but with the people. He was neither too young nor too old. His experience was sufficient, united as it was with a fine classical education and thorough preparation for the bar in the beginning; whilst on the other hand, though he had shone as an excellent speaker in behalf of his clients, the conspicuous fairness of his mind had marked him out as destined to hold, with impartial and conscientious hand, the scales of justice between contending parties. We have hinted at the remarkable period of time during which this distinguished judge presided over the Circuit Court of the City of Richmond. The new constitution of Virginia of 1850-51 had just gone into operation when Judge Meredith began his judicial career, giving rise to litigation and construction of the first impression in many cases. The code of 1849 was barely inaugurated: sweeping innovations in the old laws had been made by the revisers, compressed oftentimes into language of doubtful brevity, drawn together from reforms of the law in England and many States of the Union, and provoking, necessarily, the widest differences of views at the bar. Besides all this, he filled in his single, unassisted labors, and throughout the whole time of his judicial life, the offices of a common law, chancery and criminal judge for this circuit combined. His docket in chancery was, we believe, even larger than that now belonging to our chancery court. His docket in common law was, we are confident, much larger than that of our common law court at present. His criminal docket was often heavy. He performed, therefore, what three judges now perform, with the exception, however, that during his term of office the jurisdiction of the Hustings Court of the City of Richmond was enlarged by law in civil matters for the purpose of relieving the court over which he presided. With a numerous and talented bar of nearly one hundred members—with novel and most difficult questions of construction con-

stantly coming before him alike in constitutional and municipal law—with the vast and varied interests of a large community dependent upon his decisions, embracing a heavy docket in each of the three great departments of justice, Judge Meredith pursued his course with unwearied toil, with unremitting courtesy, with unflinching patience, with unquestioned ability, with strict and unswerving conscientiousness.

No judge was ever more regardful of the amenities of the bench. It was a pleasure for the young practitioner to make his maiden speech before a judge who never forgot to be patient, gentle and courteous to one in such circumstances of trial. It was a pleasure for the older members of the bar to discuss the law's grave questions before a judge who wished always to have a full argument before he made up his mind, and whose unflinching patience was not only prompted by the instincts of gentlemanly refinement, but was based on high-minded and conscientious desire to do what was right, and attain the ends of truth and justice. With pure hands and a clean heart, truly may it be said, did this distinguished jurist discharge his high office—without the whisper of fear, favor or affection on his part to suitor or to counsel—steadily and inflexibly anxious to do his duty, and his whole duty, and wearing the ermine unspotted and unsullied even by the breath of slander or the suspicion of malice from any quarter. We believe that few men ever retired from the elevated position that he occupied who so well escaped the shafts of criticism and envy which that elevation invariably provokes. If he made any enemies among the bar or in the community, we have yet to hear who they were. Pure, incorruptible, able, learned, laborious, conscientious, we regard him as having discharged the judicial function for so many years of trial and of trouble with a popularity and enjoying an esteem and admiration rarely witnessed. The plaudit of "well done, good and faithful servant" was not awarded without cause or without consideration. It was not only the precious reward of enlightened, honest and independent discharge of duty, but of prompt,

faithful and efficient administration of justice. The "law's delays" are included by Shakspeare in the catalogue of ills that flesh is heir to. They often amount to a practical denial of justice, nay, to more than this, for to hope deferred is added the unending accumulation of costs, and an estate tied up in litigation is too often frittered away by piece-meal ere the relief can be secured through the medium of laws that are "slowly wise and meanly just." That community is therefore immensely blessed, whose judiciary are industrious as well as pure and learned, whose judiciary "hasten slowly" in the despatch of business, and while guarding on the one hand against the grievous mistake of rash or hurried disposition of causes, yet on the other hand, by system, application and order, keep down the docket and dispense justice with due despatch. Of what avail in thousands of causes before our tribunals would be all the three great characteristics of a good judge—learning, purity and independence—without industry, application, system, order? Not that we would commend the practically unrighteous judge, who was once compared in his excessive hurry to disencumber his docket of its causes to "a boy in a watermelon-patch, cutting the melons whether ripe or green;" but we all know on what easy terms the laziness or inertness or apathy of the court will grant continuances from term to term, until the subject-matter of the suit often perishes from delay. Expedition then, in a large class of cases, is of the very essence of virtue; and to secure expedition, the incumbent of the bench must be himself a good worker. The officers of the court take their cue from him. His zeal and energy are directly infused into them. The community receive the reflected influence. The bar are taught at once the necessity for diligence and readiness. The suitor is the fortunate recipient of the wholesome example and commanding precepts of the court. Judge Meredith was a conspicuous instance, while on the bench, of what we would call a good worker. That he gave his whole time with assiduous care, and his whole strength of mind and body, to his court and its many exactions, will not be denied

by any one, and could be abundantly established by the immense amount of business that he despatched from year to year.

It would occupy far more space than is allowed to this notice of his judicial career, to sketch however briefly the scope and series of his decisions; yet we cannot forbear from giving a hasty review of several, involving points of interest and novelty, which not only the profession but the general reader may enjoy.

In the year 1855, in Cronin's case, who was indicted for the murder of his wife, the Rev. John Theeling, a Roman Catholic priest, was called as a witness by the defence. In the course of his examination, it was sought to extract from him the secrets of the confessional, and the question arose whether a Catholic priest is compellable to disclose any declaration made to him under the seal of that sacrament. Father Theeling declined, in firm but respectful terms, to disclose what he had acquired "in the quality of a Catholic minister of the sacrament of penances," and announced that, although instant death were to be the penalty of his refusal, no power on earth, ecclesiastical, spiritual or temporal—not even the request, admonition or command of the Pope himself—could dispense with the perpetual obligation of secrecy resting upon him. The question excited at the time interest, not only from its legal but its political bearings. The great Know-Nothing excitement was at its height. The legal point was one of first impression in Virginia. But little light could be gathered from the books, and that was conflicting. The whole range of the English reports furnished no case in which the question had ever arisen in respect to a Romish priest. Only loose *dicta* of judges upon the general question of exemption of clergymen from disclosing communications made to them by a prisoner in cases not involving degradation, breach of oaths and a violation of clerical duties, could be found in the elementary books, and those loose *dicta* were in conflict with one another. With the exception of the General Sessions Court for New York City, no case could be found where the point had been decided in America. It was in-

deed a very grave and difficult question, as well as most interesting to the profession and the general community. Shall the priest of the Romish Church be compelled to stand in the dreadful predicament of ecclesiastical perjury and degradation, if he answers, or judicial perjury and penalties, if he does not answer? On the other hand, it was insisted that the concealment of what was disclosed by auricular confession was at war with the common-law requirement, that every person is bound, whenever called upon in a court of justice, to testify whatever he may know material to the issue. After full and able discussion, Judge Meredith delivered an opinion of marked ability, from which we have imperfectly sought above to condense the prominent features of the case then before him. It was an opinion that, whether right or wrong, did credit to his independence as a judge. He held that Father Theeling was entitled to the privilege of declining to answer questions touching the confessional, alike by authority as far as the decisions had gone, by analogy to the professional privileges of attorneys, by the spirit of our organic and statutory enactments, if not by their letter. That the sacraments of a religion are its most essential elements; and that the administration of its ordinances and ceremonies is essential to its free exercise. It will be found in the first volume of the *Quarterly Law Journal*, April, 1856, and covers many pages.

One of the dearest rights of freemen is, that no man can be compelled to give evidence against himself. This great privilege of the citizen was ably vindicated and upheld by Judge Meredith in the *ex parte* case of Roger A. Pryor, which came before him in 1858 upon a writ of *habeas corpus*. His decision and the arguments of counsel will be found in the third volume of the *Law Journal*. The case grew out of the duel between O. J. Wise and Sherrard Clemens. The witness claimed his privilege in spite of the act of the Legislature, which had been passed expressly to meet cases of this sort, and which declared that every person engaged in a duel might be required to testify in a prosecution against any one but himself, and sought to pro-

vide indemnity to the witness by declaring further that any statement made by him should not be used against him in any prosecution against himself. Judge Meredith held that this act did not deprive the witness of his right to refuse to answer any question that might subject him to a criminal prosecution, and did not enlarge the power of the court to compel disclosures which, before its enactment, the witness might withhold; that, while the court was always the sole judge of the legality of every question, yet the oath of the witness when unimpeached should have great weight over the mind of the judge in coming to its conclusion, and conclusive weight unless other facts proved that the witness was in error or trifling with justice. This important decision could not then be reviewed by the Court of Appeals because the Commonwealth had no right of appeal; but at a later day, in Cullen's case (24th Grattan), that court fully affirmed the correctness of the principles held by Judge Meredith in Pryor's case. We believe that he was counsel in Cullen's case, though his name does not appear as such in the report of it. The decision of the Court of Appeals in Cullen's case was a flattering compliment to the ability of Judge Meredith in this very important branch of the administration of justice.

Another great and leading cause that came before him on the bench was the celebrated case of Taylor *vs.* Stearns, a case in which the stay law was involved and held by him to be unconstitutional. We have never seen the opinion of the lower court, but have heard it most highly spoken of as an instance of judicial learning and ability. The stay law was an early measure of legislation after the war. It passed both branches of the Legislature by a large majority. Neither time nor space is allowed us to recall here the immense questions of law and interests at stake in this suit. We only desire to record his decision in it as full of labor and of learning, and to say that he reversed the foregone conclusion of the Legislature that the act was constitutional and was sustained by the Court of Appeals.

The great civil causes of Mayo *vs.* Carrington and Neilson *vs.* Haxall were also decided by Judge Meredith during his term of office; constituting immense records involving most difficult and novel questions, and requiring vast labor as well as ability to master them. We believe his views in each of these cases were sustained by the Court of Appeals. In the latter case, among other interesting questions, there came up the doctrine of riparian rights and water-power privileges.

In a controversy growing out of the sale of the medical publication known as "The Stethoscope," and its combination with the *Virginia Medical Journal*, it became the duty of Judge Meredith, in the year 1856, to pass on the question of "Literary Piracy." His opinion is published in the first volume of the *Law Journal*, and will be found to be elaborate and most interesting. Its main features are, that literary property is like that over patents for invention, as far as courts of equity are concerned to protect it; that these courts will promptly enjoin any violation of a clear legal right, which might become an irremediable injury; but where the legal right is in dispute, that they will decline to interfere the extraordinary relief of an injunction, preferring to put the party to the prior necessity of establishing his right at law before conferring the equitable remedy.

But here we must stop even this brief review of what we might call the celebrated causes decided by this distinguished Judge during his long service on the bench. Enough of these causes have been cited by us to show that his office was by no means a sinecure; that every sort of question came up before him; that he dispensed civil and criminal justice with care, labor, research, patience, courtesy, ability, learning, fairness; and that in him the Commonwealth of Virginia possessed a valuable, pure, and upright servant.

In recognition of his attainments as a jurist, Richmond College conferred on Judge Meredith the degree of LL. D.

Judge Meredith married, in 1838, Sarah Ann, daughter of William Bernard, of Belk Grove,

King George county, a lady of rare beauty and accomplishments. Of the twelve children of their marriage but five survive. Their eldest son, William Bernard Meredith, graduated at the University of Virginia with marked distinction, and was the first Master of Arts, whose father had taken the same degree. He entered the Confederate service at the beginning of the war as a Lieutenant, became Adjutant of a battalion of artillery, and whilst serving in this capacity was taken sick in camp, returned home and died in the twenty-second year of his age. He was a young man of high intellectual attainments, and gave great promise of future usefulness and distinction.

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#### JUDGE FITZHUGH.

##### VIRGINIA.

**E**DWARD HENRY FITZHUGH, born September 21st, 1816, at the residence of his maternal grandfather, Dr. Henry F. Thornton, in the county of Caroline, Va. Son of Edward Digges Fitzhugh, of Prince William county, Va. The Fitzhugh family is a very ancient and honorable one in England; some of its members were high in office and favor during the fifteenth and sixteenth centuries. The first who settled in this country was William Fitzhugh; his father was a lawyer in London, and himself of that profession. He settled in Westmoreland county, Va., in 16—, was an eminent and successful lawyer, and published in England a work on the laws of Virginia, and was much engaged in the management of land causes for the great land-owners, whether residing in England or America. He transacted business with and purchased lands from Lord Culpepper, who held a grant from King Charles for all Virginia. He married Miss Tucker, of Westmoreland county, Va., and died in 1701, leaving a large family and 54,000 acres of land in King George and Stafford counties. A large number of his descendants have remained in Virginia until the present time. Mary, daughter of a William Fitzhugh, of Chat-

ham, married Washington Curtis, grandson of the wife of General Washington. The Fitzhughs are also connected by marriage with the Lees, of Virginia.

Edward Henry Fitzhugh's early education was conducted at the Warrenton Academy, Fauquier county, Va. Studied law at Warrenton under William F. Randolph and Robert E. Scott, one of the most prominent lawyers in the State during 1835-37, and in the latter year was licensed and commenced practice in Wheeling, Va., now West Virginia. After about a year's practice he took charge of the clerk's office in the County Court of Ohio county, Va., where he remained about three years, and resigning returned to the practice of his profession, which he followed until the outbreak of the war in 1861. During the latter portion of this time he was engaged in almost every case of importance coming before the courts. Although frequently urged to become a candidate for office, he always declined, having no taste for political life, although he took an active interest in his party, that of the Old-Line Whig. On the passage of the ordinance of secession he left Wheeling for Richmond, and was appointed by the Virginia State authorities to arrange and settle the claims of the State of Virginia against the Confederate government for expenses incurred by the State in raising, equipping, and arming troops, which were afterwards transferred to the Confederate government, and the expenses of which that government assumed to refund to the State. In the discharge of these duties he was second in command in the Quartermaster's Department of the State of Virginia, and at the close of the war was Acting Quartermaster-General of the State. The expenditure of money incurred by Virginia before her union with the Confederacy under the provisional government was to be met and provided for by the Confederate government; 70,000 to 80,000 men had been raised, equipped, and armed.

After the close of the war he resumed the practice of his profession in Richmond, uniting with ex-Governor Henry A. Wise, their partnership continuing until 1870, when, upon the re-



organization of the State government under the reconstruction Acts of Congress, he was elected by the Legislature Judge of the Chancery Court of the City of Richmond, which position he still holds. There was an immense accumulation of business during the war and the military occupation of the State, the military judges having neither the capacity for chancery practice nor the confidence of the people. Judge Fitzhugh has cleared off all those arrearages, and has since always kept abreast of the current business of his court. He has been an elder in the Presbyterian Church for upwards of thirty years, and has also taken an active interest in its welfare, having been several times member of the General Assembly, and also of the Committee of Publication, whose duties are to supervise the publication of religious and Sabbath school literature. He married, in 1838, Miss Maria Gordon, daughter of Samuel Gordon, Fauquier county, Va., uncle of General William F. Gordon, of Albemarle, a prominent member of Congress from Virginia. Judge Fitzhugh has been an Oddfellow for many years, having served in the Grand Lodge of the United States as representative from Virginia twenty-two years, and presided over the Grand Lodge of the United States held at Nashville in 1860 as Deputy Grand Sire. Was Grand Master of the order in Virginia in 1850-51.

HON. J. L. M. CURRY, LL. D.

VIRGINIA.

**J**ABEZ LAMAR MONROE CURRY was born, June 5th, 1825, in Lincoln county, Ga., where his father was a large and successful planter. His ancestors on his mother's side were Welsh and Huguenot; General Wynn, for whom Winnsboro' in South Carolina was named, and a Colonel in the Revolutionary army, as well as a Representative in Congress from the Palmetto State for fifteen years, having been one of his maternal ancestors, and a Lamar, of a Huguenot family who fled from France on account of re-

ligious persecution, the other. In his thirteenth year he removed with his father to Alabama, where he continued to reside until some ten years ago. He was educated at the University of Georgia, from which he graduated in 1843, and studied law at the Harvard Law School, Cambridge, Mass., graduating in 1845, and having among his classmates Rutherford B. Hayes, now President of the United States, the late Anson Burlingame, M. C., and Commissioner to and from China, and A. Oakey Hall, formerly Mayor of New York. He rapidly acquired distinction at the bar; but the public service for which he had already shown his aptitude soon withdrew him from the pursuit of his profession. In 1846 he served for a time as a soldier of the Mexican war, being a member of Hay's regiment of Texas Rangers. On his return he was thrice elected as the Representative of Talladega county in the Legislature of Alabama. During his service in that body he drew up a report in favor of a geological survey of the State, and influenced the enactment of a law providing for it; strongly advocated internal improvements; and, above all, participated largely in efforts on behalf of education, the earnest advocacy of which has identified his name with the cause not in Alabama only, but throughout the Union at large.

In 1855, when he last stood for the Legislature, he became conspicuous for the zeal and ability with which he opposed the Know-Nothing party, carrying his county, the political battle-ground of the State, by two hundred and fifty-five votes. In 1856 he was a Presidential Elector on the Buchanan ticket; and in 1857, and again in 1859, was elected to Congress, serving through the critical period immediately preceding the civil war. Of the prominent men in Congress at that time many are leading spirits in our politics to-day—Conkling, Lamar, Sherman, Pendleton, Stephens, S. S. Cox, Charles Francis Adams, John W. Stevenson—while many others, equally able and not less prominent, have passed away—Vallandigham, Keitt, Millson, Thaddeus Stevens, Humphrey Marshall, Thomas A. R. Nelson, Henry Winter

Davis; but he did not find himself dwarfed even by the tallest of these spirits. On the contrary, the very first speech that he delivered in his place extorted from the *New York Tribune*, then the Coryphæus of the Radical press, the significant admission, that he was "a powerful addition to the pro-slavery side of the House," though coupled with the qualification, as significant in its way, that he owed his gentlemanly bearing and scholarly training to the polishing hand of Harvard, applied to him, it must be supposed, during his brief attendance at the Harvard Law School! The impression, personal, political and intellectual, made by his first speech in Congress, was deepened and fixed by his subsequent speeches, all of which displayed the same dignity of manner, the same zeal in defence of the rights of the States, and the same energy of thought, richness of knowledge, thoroughness of culture, and force of oratory, with a progressive effectiveness due to his increasing familiarity with the forms of the House and the temper of the members. Although not a frequent speaker, he spoke on nearly every important question that came up or remained up during his period of service, including the admission of Kansas under the Lecompton Constitution (the topic of his maiden speech in the House), squatter-sovereignty, retrenchment, the tariff, the progress of anti-slavery, the Republican party, and the bill granting pensions to the soldiers of 1812, which last was ultimately defeated through the influence of his speech, regarded by not a few "as the ablest and most statesmanlike of his Congressional efforts," and undoubtedly a clear and admirable vindication of the true functions of government as defined by Mill and Herbert Spencer. His eloquence, indeed, combined with his character to rank him from the outset among the foremost of the Democratic leaders in Congress. In 1860 he supported Breckinridge for the Presidency, and, on the election of Lincoln, consistently adhered to the views which he had previously declared in the House, and urged the secession of Alabama, believing that the formation of a new Confederacy had become

necessary to preserve the self-government of the States.

On the 8th of January, 1861, he was appointed by the authorities of Alabama a Commissioner to invite Maryland to co-operate in the secession movement; and on the 19th of the same month was appointed, by the Convention of Alabama, met to determine the question of the secession of the State, a Delegate to the Southern Convention, to be held at Montgomery on the first Monday of the ensuing month, for the purpose of organizing the seceding States into a new confederacy, constituting a provisional government, and taking such other steps as might appear necessary to make secession a fixed fact, and which, meeting pursuant to call, and acting in the double character of a Constitutional Convention and a Provisional Congress, brought about in so long time the organization of the government under a permanent constitution.

In August, 1861, he was elected a delegate from the Fourth Congressional District of Alabama to the first permanent Congress of the Confederate States at Richmond, whither the seat of government had been transferred in consequence of the vital importance of the military struggle pending in Northern Virginia. In that body he was made Chairman of the Committee on Commerce, and, in the absence of the Speaker, elected Speaker pro tempore; but, perhaps, his most noteworthy service was the production of the address to the people of the Confederate States, signed by every member of the Congress, and deserving to rank with the ablest documents of revolutionary times. His civil services to the Confederate cause, begun at the beginning of the secession movement and continued uninterruptedly through the formative stages of the government up to its complete and definitive organization, ended with the first permanent Congress, on the adjournment of which he joined the army of General Joseph E. Johnston, then at Dalton, Ga., and served in various capacities (for several months as Colonel of the Fifth Alabama Cavalry) to the close of the war, surrendering on parole, May 13th, 1865. Soon after the close of the war, yielding to the urgent





*Albert Inceles*

solicitation of friends, he entered the Christian ministry, not, however, without grave misgivings on his own part, in deference to which he has uniformly declined to accept the pastorate of any church, though many flattering calls have been extended to him. He preaches, nevertheless, whenever and wherever occasion calls for his ministrations, and the throngs that gather to hear him attest his power as a pulpit orator. Of his eminent fitness for the ministry, so far, at least, as he has thought fit to assume its functions, there is and can be only one opinion. A man of deep and fervent piety, he has been a professor of religion from his early manhood, and has worn his religion as the harness of his faculties, working by it and through it in public as in private life. While a member of Congress at Washington and at Richmond, he was an active supporter of religious enterprises, teaching and addressing Sunday-schools, and manifesting in every proper way his interest in the spiritual as well as in the temporal welfare of his fellow-men. It cannot be doubted that such a man, endowed, besides, with the divine gift of eloquence, has a clear vocation to the ministry in some form.

In the fall of 1865 he was chosen President of Howard College, Alabama, and in 1868 Professor of English Literature in Richmond College, Virginia. The latter position he still holds, as also the chair of Philosophy in the same institution, with the Lectureship of Constitutional Law. As a professor he is punctual, painstaking and thorough, intent not on exhibiting his own mastery of the theme, but on imparting it to his students, an aim which he accomplishes with such ease and attractiveness as to verify the lines in *Comus* :

“How charming is divine philosophy!  
Not harsh and crabbed, as dull fools suppose,  
But musical as is Apollo's lute.”

Since the war he has returned to the political arena but once, when he spoke, and spoke with his accustomed eloquence and effect, against the adoption of the Radical Constitution proposed to the people of Alabama. During his residence

in Virginia he has exerted a marked influence in the State by his numerous speeches, lectures and addresses on educational, literary and religious subjects, among which may be particularized his efforts on behalf of the restoration and increase of the endowment of Richmond College, and his great speech before the Evangelical Alliance, contending for the complete separation of church and State, and achieving the honor of republication and distribution in England by the Dis-establishment party. He has also delivered the annual addresses before the Lynchburg and the State Agricultural Societies. In 1868 he received from Mercer University, Georgia, the degree of LL.D., and, in 1872, from the Rochester (New York) University, that of D. D. He has made two visits to Europe, extending one of them to Egypt and Palestine. In addition to his other literary work, he has written quite freely for newspapers and magazines, and enjoys the enviable distinction of having made more addresses on the subject of education than any other man in the State. It is hardly necessary to add that he is a warm friend of the public school system, now happily established in Virginia, thanks in part to his enlightened and persevering efforts.

He has been twice married: first, to a daughter of Chancellor Bowie, of Alabama; and, secondly, to a daughter of James Thomas, Jr., of Richmond, Va., one of the leading tobacconists of the State.

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REV. ALDERT SMEDES, D. D.

NORTH CAROLINA.

**R**EV. ALDERT SMEDES, D. D., the founder of St. Mary's School, Raleigh, N. C., held its rectorship for thirty-six years, dropping the reins of government not till the very day before his sudden and lamented death. Singularly endowed, both in the faculties and qualities of his heart and mind, and also in voice, mien and person, with natural gifts fitting him for his work, he was further qualified for it by the desirable moulding

influences of refined social culture, education at the most famous seats of American learning, a professional training for the law as well as for the ministry, extensive foreign and domestic travel, and varied pastoral experience. Yet into the career upon which he entered in his thirty-second year as the rector of a Church school for girls, and for which his remarkable aptitude was evinced by his great, immediate and uninterrupted success, he was guided by providential leadings rather than his own choice. A bronchial ailment, which disqualified him during several years for public ministerial duty, was the immediate occasion of his resigning the rectorship of a church in New York, and his coming to North Carolina to establish St. Mary's School. His admirable fitness, however, for the calling, to which he thus devoted himself, was at once seen. Unfailing cheerfulness, wit and humor perennially overflowing, fatherly affectionateness of spirit and manner, quick sympathy with another's joy or grief, a heart and hand ever open for melting charity, a lofty yet gracious courtesy of carriage towards all, with marked deference and chivalrous grace of address towards women, competent knowledge of men and affairs, first-rate executive ability, great force and fluency of extempore speech, a burning and quenchless zeal in his holy calling—who, that knew the late rector of St. Mary's, will not bear witness that these were his salient gifts and traits? Who can wonder that his scholars all loved him, that his name became a "household word" in a thousand Southern homes, and that the Church in all the region from Virginia to Texas, for whose daughters he labored that they might be "as corner-stones polished after the similitude of a palace," mourns his loss and embalms his memory?

Dr. Smedes was born on the 20th of April, 1810, in the city of New York, where for many years his father, the late Abraham Kiersted Smedes, was a merchant. The family name of his venerable mother, Eliza Sebor Smedes, who is still living, was Isaacs. He pursued his academic and professional studies at Columbia College, New York, Transylvania University,

Ky., and the General Theological Seminary of the Protestant Episcopal Church, New York. He married Sarah Pierce, daughter of the late Rev. Thomas Lyell, D. D., rector of Christ Church, N. Y., and granddaughter of the Rev. Abraham Beach, D. D., who was one of the assistant ministers of Trinity Church, New York, in the early part of this century. Before accepting the rectorship of St. Mary's School, Raleigh, N. C., Dr. Smedes had been for several years assistant minister of Christ Church, New York city, and afterwards rector of St. George's Church, Schenectady, N. Y. He died in Raleigh, N. C., on the 25th of April, 1877. His remains are interred in Oakwood cemetery, near that city. His wife and six of his children survive him.

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#### HON. CHARLES ESTES.

##### GEORGIA.

**C**HARLES ESTES was born February 2d, 1819, at Cape Vincent, Jefferson county, N. Y., and is the son of Andrew Estes, merchant, of that place, who was one of the veterans of the war of 1812. The Estes family is of Prussian descent, and emigrated to this country, settling in Mohawk Valley, N. Y. He received a common school education in his native State, and in 1830 went to Lockport, N. Y., where he acquired a thorough knowledge of the watchmaker's and jeweller's trade. In 1838 he became superintendent of a section of the Genesee Valley Canal during its construction. It was there that he obtained that practical acquaintance with canaling which served him in such good stead during the construction of the Augusta Canal under his auspices. After this he engaged as a salesman in the Niagara Manufacturing Company, a cotton mill in Lockport, N. Y., and leaving there in 1842 he moved to New York city, where he obtained an engagement as salesman in the well-known wholesale dry goods house of Doremus, Suydam & Nixon. Having gained a complete insight into the dry goods trade, he removed to Augusta, in October, 1843, and established himself in that

business in connection with John M. Dow. After three years the firm of Dow & Estes was dissolved, and Mr. Estes went into the grocery trade, and finally retired from active business pursuits in 1866. Up to this time he had taken no active part in public affairs, but in this year he was elected a member of the City Council of Augusta, and was appointed Chairman of the Finance Committee and member of the Canal Board. In December, 1870, he was elected Mayor, and continued in that office by re-election annually for six successive years, during which time the enlargement of the Augusta Canal to its present dimensions was inaugurated and practically completed. The old Augusta Canal was projected by a few public-spirited citizens of the city of Augusta, prominent among whom may be mentioned the late Colonel A. A. Cumming, the late W. M. D'Antignac, and the Hon. John P. King. These gentlemen, with six others, were elected by the City Council of Augusta a Board of Commissioners for the purpose of constructing a canal from a point on the Savannah river, about seven miles above, to the city of Augusta, for manufacturing purposes, and for the better securing an abundant supply of water to the city. The work was commenced in 1845 and completed in the early part of 1847. The dimensions were forty feet surface width, twenty feet bottom, and five feet deep, affording a total mechanical effect of about 600 horse-powers. It soon became evident that the canal was too small to supply the demand for power and the increasing demand for fire, domestic and other purposes consequent upon the growth of the city. Temporary expedients were devised and carried into effect from time to time in order to increase the supply, and after the banks of the canal had been raised so as to furnish seven feet depth of water, its ultimate capacity was reached, and yet the quantity furnished was entirely inadequate to supply the demand. Its enlargement was strenuously advocated by several influential gentlemen, among whom was Mr. Estes, and the expenditure necessary for the purpose was estimated at \$400,000. A direct appeal was made to the taxpayers on the question, and the vote for the

enlargement carried by a large majority. Mr. Estes, from his previous practical acquaintance with canaling, was urged to undertake the personal superintendence of the works, and in March, 1872, they were commenced, the mayor with characteristic energy giving his whole mind to the task of carrying out the design. The estimated amount, as is frequently the case, was found to be altogether inadequate for the satisfactory completion of the design, but, knowing the end he had in view, no obstacles deterred him, and in the face of persistent opposition and much undeserved censure he pushed the works on vigorously to completion. At the latter end of 1876 the canal was finished, its dimensions and capacity being as follows: length of main canal or first level, seven miles, and including second and third levels, nine miles. Minimum water way, 150 feet at surface, 106 feet at bottom and eleven feet deep, making an area of cross-section of 1,408 square feet. The bulk-head, locks, dam and other structures are composed of stone masonry formed of granite rock, laid in hydraulic cement mortar, and are of the most substantial character. The area of openings for the supply of the canal amounts to 1,463 square feet, and the entire waters of the Savannah river are made available for maintaining the supply. There are about 275 acres of reservoirs exclusive of the canal proper and the pond above the bulk-head and dam. There is a bottom grade or descent in the main canal of one one-hundredth of a foot in 100 feet, giving a theoretical mean velocity of 2.7 $\frac{1}{2}$  feet per second or a mechanical effect under the minimum fall between the first and third levels, or between the first level and the Savannah river below Rae's creek, of upwards of 14,000 horse-powers, not including the available supply from the surface of the reservoirs. Of this immense power but 2,200 horse-powers are at present contracted for, of which the Augusta Factory takes 1,000 horse-powers, the Enterprise Manufacturing Company 350, and others in smaller proportions. The canal is owned by the city of Augusta, together with a considerable tract of land on either side for mill sites. The Augusta canal cost, including the lands

purchased by Mr. Estes for mill sites and stone-quarries, \$822,000. On the land, formerly the site of the Confederate powder mills, was a large quantity of brick, and not less than a million were used by the city at a time when the price of brick was very high, and this sum should be taken into consideration when estimating the actual cost of this valuable undertaking. This site has since been sold to the Cumming Manufacturing Company, for \$14,000, and with this and the large sum which should by right be credited on account of the brick used by the city, the full amount (\$42,000) of the purchased land has already been returned, leaving a number of large and valuable sites still available, which when sold will yield a handsome profit, and prove how judicious were the investments made through the foresight of Mr. Estes. Mr. Estes is now President of the Augusta Land Company, which was formed for the purpose of purchasing, improving and selling lands immediately west of the city of Augusta.

Mr. Estes is a gentleman of strong convictions, with great assiduity and tenacity of purpose. His election, against strong opposition, for six successive years to the mayoral chair is the best evidence of the high estimation in which he is held by his fellow-citizens, while his sound common sense, strict integrity, and excellent business talents have won him the confidence and esteem of a large circle of friends.

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#### BISHOP WHITTLE.

VIRGINIA.

**R**IGHT REV. FRANCIS McNIECE WHITTLE, D. D., LL. D., the present Diocesan of the Protestant Episcopal Church in the State of Virginia, was born in the county of Mecklenburg, Virginia, in July, 1823. He was admitted to the ministry of the Protestant Episcopal Church in the month of June, 1847, and was ordained by Bishop Meade. His first charge was St. John's Church, Kanawha, now Charleston, the present capital of the State of West Virginia. In the

year 1850 he was in charge of North Farnham Parish, in Goochland county, Va. In 1853 he was rector of Grace Church, Berryville, in Clarke county, Virginia, where he remained until 1857, when he accepted a call to the rectorship of St. Paul's Church, Louisville, Ky. This is one of the most important churches in the South. In 1867 he was elected Assistant Bishop of the Diocese of Virginia, by the Council which met in the month of May, in the city of Staunton. Many of the bishops and standing committees of the United States refused their assent to this election upon the ground that Bishop Johns, the then Diocesan of the Church in Virginia, was not disabled. A majority, however, gave consent, and he was consecrated to the Episcopate in St. Paul's Church, at Alexandria, on the 30th of April, 1868.

Bishop Whittle was assistant to Bishop Johns until the 5th of April, 1876, when that venerable Diocesan, who was so dearly loved in Virginia, died. Since that time Bishop Whittle has had sole charge of the Diocese of Virginia.

He is a man of great ability as a preacher. As an administrator of the affairs of his charge, he has shown both wisdom and courage. He is one of the class that has very little regard for honors or distinctions, but tries with unswerving fidelity to meet every responsibility. As a loyal Episcopalian, he stands upon the prayer-book and resists, with uncompromising firmness, every departure from that standard and every innovation that tends to carry the church from the paths of true Protestantism. Married to Emily Cary Fairfax, May 10th, 1848.

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#### GOVERNOR VANCE.

NORTH CAROLINA.



**V**EBULON B. VANCE was born in Buncombe county, N. C., May 13th, 1830. His father, David Vance, was a man of high character and intelligence and an estimable citizen. His grandfather, Colonel David Vance, was a revolutionary hero, and fought and was wounded at King's Moun-



tain, and afterwards became Clerk of the Superior Court of Buncombe, where he died in 1812. He had no superior in the discharge of his duty or in the integrity and piety of his character. Governor Vance's uncle, Robert Vance, was at one time a member of Congress from the Mountain District, and a man of rare promise and popularity, and fell in a duel with the Hon. Samuel P. Carson. On the maternal side he was grandson of Zebulon Baird, one of the best citizens of Buncombe county, honored and respected, and for many years a member of the General Assembly. Governor Vance is a self-made man and owes his position to his own talents and industry. In 1851 he became a student at the University, where he remained only one year, and on his return obtained a license to practise law and was elected Solicitor for his county. A politician by nature, in 1854 he became a candidate for the House of Commons, as it was then called, and was elected as representative for his native county, and served one term in the Legislature. In 1855 he was associated with Colonel John D. Hyman in the conduct of the leading Whig paper in that section—the *Asheville Spectator*. In 1856 he was a candidate for the State Senate against Colonel David Coleman and was defeated. In 1858 General Clingman, then a representative in the United States Congress from the Mountain District, was appointed by Governor Bragg to fill an unexpired term in the United States Senate caused by the resignation of the Hon. Asa Biggs, who had been appointed Judge of the United States Court for North Carolina. Colonel David Coleman and W. W. Avery, of Burke, both Democrats, became candidates to fill the unexpired term caused by General Clingman's resignation. As soon as the contest became sufficiently warm, Vance came forward as a Whig candidate. Coleman withdrew, but it was too late, and Vance was elected, overcoming a majority of 2,500 and turning it into a majority of 2,000 the other way. In 1859 he was a candidate for re-election for the next full regular term, and, having firmly established himself in the affections of

the people of the district, was able to defeat his old opponent, Colonel Coleman, one of the best, purest, ablest, and most popular men that ever lived in the mountains. He served in Congress until March, 1861, where his course was eminently conservative. He labored hard to stay the tide of Northern fanaticism, and carefully refrained from language calculated to increase sectional feeling, but sought rather to allay it. While a candidate for re-election in 1861 the ordinance of secession was passed by the convention on May 20th. Preparations for war were already on foot, and Vance was no laggard and responded at once to the very first call to arms. He had not favored the secession movement, but he was a true North Carolinian and ready to obey at all hazards the behests of his native State. Before the end of May, on the very day the ordinance of secession was passed, he was Captain Vance and had his company in camp at Raleigh. The call of President Lincoln upon North Carolina for troops to make war upon her sister States had been sufficient for him. His company was one of those that formed the Fourteenth regiment, which was first commanded by that gallant soldier, General Junius Daniel. Captain Vance served with his regiment in Virginia until late in the fall, when he was elected Colonel of the Twenty-sixth regiment, in command of which he fought at the battle of Newbern and in the fights around Richmond. In August, 1862, he was elected Governor, and, having resigned his colonelcy, was inaugurated on the 8th of September under a special ordinance of the convention fixing the date of the beginning of his term of office. In 1864 he was re-elected Governor of the State, his inauguration taking place January 1st, 1865. His vigorous, earnest efforts for the successful prosecution of the war are matters of history. In April, 1865, he left Raleigh with General Joseph E. Johnston's army for Greensboro, and from thence to Charlotte, where he joined President Davis. From Charlotte he went to Statesville, in Iredell county, to which place he had previously removed his family for safety and

refuge. There he remained until some time in May, 1865, when he was arrested and carried to Washington and imprisoned in the old Capitol, where he was confined for many months. Mrs. Vance having fallen very ill, Governor Holden, at the solicitation of Governor Vance's friends, and in tardy recognition of the protection extended to him when the raid was made by the Confederate troops on his printing office in Raleigh, wrote to President Johnson in his behalf, and he was permitted to return home on parole and was finally released. Towards the close of the year Governor Vance removed to Charlotte and resumed the practice of the law. Of course during the war of reconstruction, as it may well be termed, it was impossible for Zebulon B. Vance to be an idle spectator. Although a banned man, he took an active part in every stage of the struggle, ever maintaining and upholding the rights of the people of North Carolina. In every section of the State his voice was heard exhorting the people to courage, patience, and hope. Finally, in 1870, when honest men once more controlled the Legislature, it was thought the time had come to make an adequate reward for such long and faithful service in the field, the camp, and the council chamber. Accordingly, on November 29th, 1870, he was elected by the Legislature United States Senator to succeed General Abbott. The Federal Senate, after delusive hopes held out by its members, refused to remove his disabilities, and on the 2d of January, 1872, his resignation was sent to the Senate of North Carolina. Thereupon General Matt. W. Ransom was elected in his place, and was enabled by personal appeals to Senators to secure the passing of a bill removing his disabilities. During the campaign that followed Governor Vance took an active and distinguished part, canvassing both the eastern and western portions of the State. Everywhere he went he was received with the most cordial and enthusiastic welcome.

His disabilities being now removed, the eyes of the great mass of the people were turned to

him as the man to fill the vacancy caused by the expiration of John Pool's term in the United States Senate, but their expectations were not fulfilled. In the Senatorial contest of 1872 Vance was the regular nominee of the Conservative party, but he was defeated by the combination of certain gentlemen with the Republican party who disliked him because of his effective labors against them. The dissension in the party was universally regretted, and great sympathy was shown for him in his defeat. As the campaign of 1876 drew nigh there was a unanimous wish that Vance should take the leadership, and when the Convention met there was but one opinion from the mountains to the seashore. The people had determined to make such an effort as they had never made before to redeem the State, and in that supreme effort wanted no leader but Vance. Never before in the history of North Carolina was there such a campaign. From one end of the State to the other, and in every portion to which he went, it was one grand triumphal procession. Such an uprising of the people of all classes and conditions was never before witnessed, and on the 1st of January, 1877, Zebulon B. Vance, for the third time, took the oath as Governor of North Carolina, and was reinducted into the office from which he had been driven by the Federal bayonets to make room for W. W. Holden; and with the retirement of Governor Brogden and his associates the curtain fell upon the last scene of the great reconstruction drama.

Governor Vance was bred to the bar, and what time he has not been engaged in public affairs he has pursued the legal profession with diligence and success. But he has never given the full energies of his mind to the study of the law, nor his time to its practice; hence, he has never attained that degree of eminence as a lawyer which is within the easy reach of his powerful, acute intellect. His main distinction at the bar lies in his powers as a jury lawyer, where his gifts as a speaker, and his clear insight into human nature may come into play. When he first came to the law, while attending court in

one of the Western counties, an admiring countryman watched him closely in the management of his cases, and, comparing him with the rest of the lawyers, said: "If that young Vance can jist git past the Judge, he beats 'em all." No more accurate definition in brief can be given of Governor Vance's merits as a lawyer. It is only as an advocate that he stands high in his profession. The dry and perplexing intricacies of legal lore are not to his taste. Governor Vance is noted for his executive ability. Courageous, firm, quick to perceive and to decide, bold and swift in his movements, full of tact, and possessed of untiring energies of mind and body, he is peculiarly fitted to govern and control men. His record as a war Governor must give him enduring fame. He conducted the State through those terrible years with singular skill and success. No State contributed more to the support of the Confederacy than North Carolina. The troops in the field and the helpless people left at home were better cared for than those of any other Southern State. As a war Governor he takes rank with Governor Curtin, Governor Morton, and Governor Randolph. To show the North Carolinians' appreciation of his executive ability it is enough to say that he has been three times elected Governor of the State.

Governor Vance is a true Statesman. He is thoroughly versed in the arts of government, and is deservedly eminent for his political abilities. His published speeches and papers on political topics reveal a remarkable breadth of view and keen philosophical insight into matters pertaining to the government of the country. He is a firm believer in the wisdom and integrity of the masses, particularly the agricultural classes, who are the chief depositories of conservatism and the foundation on which our republican institutions must rest if they would be permanent. His good sense, liberality, benevolence of disposition, and true statesmanship have been strikingly manifested in his treatment of the race question since his recent elevation to the chief magistracy of the State. The first year of his administration has witnessed the

complete pacification of the races; and it is fast being demonstrated that, under the line of policy being pursued by him, the colored people will become an element of strength and conservatism to the State, while at the same time Anglo-Saxon supremacy may be maintained without disturbance of the public peace, and without the faintest shadow of injustice, oppression, or wrong to the inferior race.

Governor Vance is a great popular leader. He seems to have been born to be such, and possesses all the qualifications necessary to constitute such a character. It is no exaggeration to say that he is idolized by the people of North Carolina, and it is safe to say that no man ever lived in the State who possessed more unbounded popularity than he possesses at this day. Though yet in the prime of life he has served once in the Legislature, twice in the Congress of the United States, thrice as Governor, and has been once elected to the United States Senate by the General Assembly, and was chosen a second time to a seat in that body by the Democratic caucus, an honor which was snatched from him by a combination of a few bolting Democrats and the Republicans. He has for years borne the title of "North Carolina's favorite son," the name of "Zeb Vance" being a household word throughout the State. His great popularity is due to his enthusiastic love for his native State; his devotion to the true interests of the people; his well-known sympathy with the masses; his unsullied, unswerving patriotism at all times and all circumstances, in times of war as in times of peace, in the dark days as well as in the bright; his frankness, sincerity, and genial manners; his kindly temperament and native goodness of heart; his freedom from the haughtiness, vanity, self-conceit, and stiff-neckedness which mars the character of so many public men; and lastly, his inimitable, irrepressible humor. Vance's jokes constitute the main staple of current wit in North Carolina. His fund of anecdote seems inexhaustible, and he is indeed "a fellow of infinite jest, of most excellent fancy," rendering him one of the most agreeable, entertaining, and fascinating of companions.

As an orator, Governor Vance ranks high, higher perhaps than any other individual in North Carolina, if not in the whole South. His style of oratory is peculiarly his own, full of originality and freshness, abounding in flashes of wit, keen satire, the drollest of drolleries, all worked upon a basis of genuine eloquence and massive logic, illuminated by splendid imagery. There is no false glitter, nor ostentation, nor unprofitable employment of metaphor in his speeches. It may be said of his style as of Henry Clay's, "Whenever it leaves the deep, bold track of logical accuracy, and rises to the lighter elements of the imagination, it is feeling alone which bears it upward—the poetry of passion." His wonderful adaptability to his audience, his quick wit and never-failing readiness in debate are among his chief characteristics as an orator. His talents are always at command; he is never thrown off his guard when engaged in an intellectual struggle; and with his deep, clear, commanding voice he possesses the almost magical power of controlling the feelings of his auditors. He is certainly the greatest popular orator North Carolina ever produced. In the lecture field he has achieved much distinction—his lecture on the "Scattered Nation" is one of the finest and most attractive ever delivered in any part of this country.

As an orator, statesman, patriot, executive officer, Governor Vance has already achieved a proud and durable fame which but few can hope to rival and none surpass. He married in August, 1863, Miss Harriet Newell Espy, daughter of the Rev. Thomas Espy, a Presbyterian clergyman from Allegheny county, Pa., who came to North Carolina in 1828 and married Miss Louisa Tate, of Burke county, N. C., and died in 1830. He has four sons: the eldest, Charles N. Vance, is an officer in the Commercial National Bank, at Columbia, S. C.; David M. Vance was for a long period his father's private secretary, but was compelled to retire from ill health; Zebulon B. Vance is a cadet at the Naval Academy, Annapolis, Md.; and the fourth son is a student at Bingham's preparatory school, about fifty miles from Raleigh.

#### HON. GEORGE N. STEWART.

ALABAMA.

**G**EORGE NOBLE STEWART, attorney-at-law in the city of Mobile, is believed to be the oldest lawyer of the State of Alabama, not in age, but in date of admission to the bar and practice and on the roll of attorneys, having been admitted to the practice in the Circuit Court of Marengo county in the year 1821, has continued in active practice ever since, and is now still so engaged. Mr. Stewart has just completed the eightieth year of his age, and is still in full health and possession of all his faculties. He now occupies the position of consulting counsel of the Mobile and Ohio Railroad Company, and is also the attorney, in Alabama, of the New Orleans, Mobile and Texas Railroad Company. In general practice he is associated with Harry Pillaus, a junior member of the bar, of noted legal ability.

Mr. Stewart was the only child of Noble Caldwell Stewart, who was engaged in the mercantile maritime service, as captain sailing out of New York. Captain Stewart came to America at a very early age from Londonderry, Ireland, where he was born. He served in the navy of the United States as an apprentice under the care and friendship of Commodore Truxton. After engaging in the mercantile service, he married in Cadiz, Spain, Helena Counsell, the daughter of Peter Counsell, a native of London residing there. The said Helena, having been sent to London for her education, returned to Cadiz, where her father died, and having married Captain Stewart they removed to New York with her mother and a sister. Captain Stewart died young in New York. George N., his son, was born on the 26th of July, 1799. The family was then residing in Philadelphia, but there being that summer a violent yellow fever epidemic in that city, they temporarily left for the country, so that he was in fact born in Burlington, New Jersey, but was on their return in October christened in Philadelphia.

The education of Mr. Stewart was principally under the tuition of Captain Talbot Hamilton,



*George A. Stewart.*



an old English gentleman of noble family and finished education, and a man of fine attainments. He had a select school of pupils who were very much attached to him. This was not for want, for he was a man of ample means, but said every one should have some employment, and he therefore thus occupied himself. His school-room was filled with paintings of the best masters, with many very costly pieces, and also there was a fine library. Mr. Hamilton had been a captain in the British navy, and commanded a frigate in the battle of the Nile. He was lame from a wound. Having killed a superior officer of the navy in a duel, he was compelled to leave the service and his country, and thus it was he came to America.

At a very early age Mr. Stewart was engaged in the study of chemistry and geology under Dr. Gerard Troost, an eminent chemist and mineralogist, who was distinguished as such before coming to Philadelphia. He was born at The Hague, Holland, and was a member of various scientific societies in Holland, France and America. He carried on a large chemical laboratory in Philadelphia in connection with Mr. P. G. Lechleitner, consul of Holland, and Mr. Stewart was engaged in said laboratory as a student under Dr. Troost, of whom he was a great favorite. Dr. Troost died some years since as State Geologist of Tennessee at Nashville. During the war with England the business of the laboratory was very profitable; after the peace the case was different.

In 1812, at the suggestion of Dr. Troost, a meeting of six or seven persons occurred at the drug-store of Speakman & Say, at the corner of Market and Second streets in Philadelphia. It was proposed to establish a scientific society, and there originated the society from so small a beginning which is now in such a flourishing condition, then proposed and named "The Academy of Natural Sciences." Mr. Stewart, then a boy, was present at that meeting as student of Dr. Troost. The society was formed and grew. Dr. Troost was made its first President, and he delivered lectures before it at which Mr. Stewart was his young assistant in the

demonstration of chemical experiments. A short time since it has occurred to Mr. Stewart that possibly his name might be found in the records of said society, not as a member, because he was not then thirteen years old, but in some manner. He therefore made the inquiry, and in reply he received a letter from Mr. Ruschenberger, the Secretary of the society, in which he says: "Under date of April 18th, 1812, I find that a visit to Perkiomen to examine the lead mine there was proposed to be made by a committee. Mr. Gordon (a professor and lecturer on mineralogy) was to be there. Dr. Parman-tier requested leave to introduce a pupil, *Master George Stewart*, for the journey." Master Stewart did, in fact, accompany that committee of exploration of the lead mines, of the zinc mine, and also of the soap-stone quarry in the neighborhood. Mr. Stewart is probably the only person now living connected with the founding of that renowned society, as he was then so much younger than the members.

About the time above named, Mr. Stewart recollects that in the lectures of Dr. Troost, on the mineral resources of Pennsylvania, one subject was the existence in that State of springs of petroleum and naphtha. It became the subject of conversation between Dr. Troost and Mr. Bollman, the intimate friend of Mr. Humboldt, and it was agreed that a dozen of bottles of each of those mineral curiosities should be sent by Dr. Troost to a scientific society at Amsterdam, which was done, and Mr. Stewart recollects putting up and boxing the said samples of this mineral oil which were sent as agreed. This was probably the first time when this oil product, now grown into such great proportions, was brought into public notice.

After the war with England, the chemical laboratory above named ceased operations. Young Mr. Stewart became then a clerk in the large drug establishment of the celebrated and since distinguished Dr. Samuel Jackson—who, with his mother, under the name of Samuel and Susan Jackson, carried on a very extensive wholesale and retail drug business—and he continued there for some time.

In 1816, when a large number of the most distinguished military men of the age were banished from France, many of them being in Philadelphia, the consideration of some means of providing for them came up, and it was proposed that Congress should be applied to for a grant of public land in the territory newly acquired from the Indians in the South, for their benefit, to enable them to settle there as a colony. Congress did accordingly on application pass an act on the 3d of March, 1817, for that purpose. But it was not what was expected by any means, and proved no means of substantial relief to men without means, without agricultural experience to settle new lands in a wild state, without any title to the land until paid for. It was nothing more than a sale to them of four townships of public land at the customary price of two dollars per acre, requiring the grantees to perform conditions of settlement and planting vineyards, etc., which they could not possibly perform. The grant was passed under the name of "An act to encourage the cultivation of the vine and olive." The association was however organized, and the lands divided into a large number of allotments of from eighty to 480 acres each, and the land was selected in the vicinity of Demopolis, in Marengo and Greene counties. A commission had been organized to select the location for the settlement, and Mr. Stewart—though then still under age, who had much mixed in French society, and was fully conversant with French customs and language, and who had become acquainted with many of those French officers—connected himself with the said association, was appointed secretary of the exploring committee and accompanied it, to locate the lands, intending to settle on the grant, and was allowed a share in the lands. It was thus that he became a resident of Alabama in the year 1817, and a resident of Demopolis, the projected town of the colony, which then was in the Mississippi Territory: the Alabama Territory not having then even been organized. The Choctaw Indians then still held the land on the west side of the Tombigbee river, opposite Demopolis.

Among those French emigrants, there were

many men whose names are distinguished in history. The list comprised Marshal Grouchy; General Le Febvre Desnouëttes, who was the commander of the cavalry of the celebrated Imperial Guard of France, the officer who was embraced by Napoleon, as representative of his army, on his making his adieu to his troops, in Paris, on his resignation, and the friend who rode with him in his carriage on his retreat from Moscow, and whose wife was a cousin of the Emperor. Also General Charles L'Allemand, commander of the artillery of the Imperial Guard; General Clausel, who commanded the city of Bordeaux, and who in after days became Governor of Algeria; General Charles L'Allemand; Colonel Raoul, who commanded the advanced guard of two hundred men when Napoleon reached Grenoble, on his return from Elba, and when met there by Marshal Ney and bared his breast to his troops, and many other names known to fame. Some of these officers came to the French grant, but the greater part did not, as it presented no available object to them to do so.

Among those who came was General Le Febvre Desnouëttes, above named, one of the most sprightly, gallant, and perhaps the handsomest officer of the French army. He established a plantation on the Warrior river. Mr. Stewart mentions a ride with this amiable officer, on ponies, in the Choctaw Nation, when both were on a visit to Mr. George S. Gaines, at the Choctaw Factory, near where Gainesville is now located, and says that during this ride the general, in a cheerful and pleasant manner, commented on the change of circumstances, which occurred at times in life, as matters really of romance, saying: "Who could have imagined that I, at the head of my proud command, following the conqueror of Europe, should be found at this day in the regions of romance described by Chateaubriand, in the wild country of Choctas, in his attala—and yet such is the fact." This gallant officer was permitted to return to France under the Bourbon reign, through the intercession of Mr. La Fitte, the great Paris banker, who was the brother of his wife, but was lost on



his voyage there in the unfortunate wreck of the "Albion," on Kinsale Point.

After some residence at Demopolis Mr. Stewart was induced to undertake the study of law by the Hon. Abner S. Lipscomb, one of the judges of the Supreme and Circuit Courts of Alabama, who had settled near Demopolis, and he did so, under the tutorship of his said friend, Judge Lipscomb. Before leaving Philadelphia it had been proposed that Mr. Stewart should study law there, and accordingly an arrangement was made for him to do so with Mr. Joseph R. Ingersoll, one of the ablest lawyers of the day, and he went into his office. But being quite young, and of an active temperament, the office, surrounded with green baize curtains, appeared to him to be a too gloomy place to be confined in, and he abandoned the idea. The original intention to study law, however, appeared more enticing at this later period. He was admitted to the Bar in the year 1821, as before stated.

Mr. Stewart was called on soon after he was admitted to carry on a controversy in relation to the lands of the French grant. The public lands were not surveyed by the United States when the act of Congress was passed, and some time elapsed before the surveys were made. In the meantime, the location having been made where the lands were of good quality, a number of settlers were found to have taken possession of the best pieces, where good springs were found and choice locations, expecting to become purchasers by pre-emption; and when the location of the shareholders was completed, they refused to deliver up the possession to the French grantees. Efforts were made, and some suits instituted, to obtain possession, but failed. Mr. Stewart then commenced a suit in Greene county against one of the settlers, by an action of ejectment, as a test case. On account of the influence of the settlers the trial was removed, by change of venue, to Tuscaloosa, where it was stiffly litigated, and ended by a verdict in favor of the French grantee. The case was removed, by writ of error, to the Supreme Court of Ala-

bama, and came for hearing at the January term, 1824. At that time Mr. Stewart had not been admitted to the practice in the Supreme Court. The Hon. C. C. Clay was then the chief-justice of the court, and he resigned his office; he was thereupon immediately employed by the settler in aid of his former counsel to procure a reversal of the judgment. Being desirous to go home, he proposed to Mr. Stewart to submit the cause to the court on written arguments, which was most acceptable to Mr. Stewart, as he could not then appear in person. He therefore wrote an argument in the case, appending to it the name of a copartner of his who was licensed in that court, but not present. The court affirmed the judgment which had been appealed from, and directed Mr. Stewart to substitute his own name to the argument and file it, and to apply at once to the court for a license and admission to the Bar of the Supreme Court. He was at that time the only attorney ever admitted without a full examination in open court. The case is reported in "Minor's Reports," page 331, under the name of *St. Guirons vs. White*, and the reporter, Judge Minor, complimented Mr. Stewart by publishing this argument at full length, occupying nine pages, the only case in the book to which such space was allotted. This argument on the law of ejectment, made at that early day, Mr. Stewart has felt the benefit of subsequently as a land lawyer. He was also admitted to practice in the States of Mississippi and Kentucky, and in the Supreme Court of the United States in the year 1854, on the motion of the late Caleb Cushing, then Attorney-General of the United States.

On the 16th of March, 1826, Mr. Stewart married, at Arcola, Marengo county, Miss Marie Pauline David, the daughter of General Henry David, an officer of the French army. Her father accompanied Jerome Bonaparte, on his visit to Philadelphia, as one of his staff officers, then going to St. Domingo. Mr. Francis Breuil, a merchant of Philadelphia, was at the time the agent of the French Republic, and entertained Jerome Napoleon and his staff at his

country-seat, near the city, when General David made the acquaintance of Miss Adele De Sevré, the daughter of Mrs. Breuil, and married her about the same time that Jerome Bonaparte married Miss Patterson, at Baltimore. General David took his wife to France, where Mrs. Stewart was born, at Bordeaux, and after his death, she, when a child, with her mother, returned to Philadelphia. The widow David afterwards married Mr. Frederick Ravesties, a leading French merchant in Philadelphia, who came to Alabama and settled a cotton plantation in Marengo county, in the French grant, being the principal settler on that grant, where Mr. Stewart married his step-daughter, Miss David, then residing with him and her mother.

In 1827 Mr. Stewart removed to Tuscaloosa, and continued the practice of law in partnership with Mr. Seth Barton, afterwards Ambassador to Chili. He was there appointed Reporter of the Supreme Court, and published, in 1830, the first volume of "Stewart's Reports," which was followed by his second and third volumes. Having resigned, he turned over his notes to Benjamin F. Porter, who published the four volumes of "Stewart and Porter's Reports," but which last were exclusively edited by Mr. Porter. While at Tuscaloosa Mr. Stewart served as a Director of the State Bank, and was during one year Mayor of the city. In 1835 Mr. Stewart removed to Mobile, where he has since resided, and was generally employed in the many land controversies then existing there, arising under the former British, French and Spanish land grants, then much unsettled and litigated, his knowledge of the French and Spanish languages being of much advantage to him. He was the attorney of the celebrated Joshua Kennedy, who held grants and patents covering almost the whole area of the city of Mobile.

Mr. Stewart occasionally took part in political matters as a member of the Whig party, making speeches and on occasion presiding at meetings. But he never had much taste for politics, preferring to devote his attention to

his profession. He did, however, serve a term of four years in the Legislature of Alabama, as Senator from Mobile. During this senatorial term he took a very active part in supporting the object of the mission of Miss Dix, which was to establish the Lunatic Asylum at Tuscaloosa, and as Chairman of the committee on that subject reported the bill which was passed. He was a delegate to the first great convention held at Memphis to urge Congress to cause a connection by railroad with the Pacific ocean, at which convention the late Matthew Maury presided, and who urged the measure as an absolute military necessity. He afterwards was a delegate to the large convention held at St. Louis for the purpose of removing the capital of the United States to that city; was the first Vice-President of that convention, and presided over it during a portion of its sitting. He was also a delegate to the convention afterwards held on the same subject at Cincinnati, and was appointed the President of that convention. At this latter convention it was determined that further action should be then postponed until after the next census of the United States, now about to be made, when the preponderance of the representation of the West would be so great that the object could be, as it was believed, easily accomplished, the manifestation of opinion then being that the removal should and would be carried into effect.

Mr. Stewart has a son and daughter living, the latter married with Mr. Thomas W. Sims, a cotton factor of Mobile. His oldest son, Frederick G. Stewart, was killed in battle, in defence of Richmond, in the desperate and fatal charge of Malvern Hill—a member of the company of cadets of Mobile, in the First Regiment of Alabama Volunteers.

Mr. Stewart is now devoting his whole attention to the practice of his profession, having been, as it may be said, identified with the law system in his State, as he grew up with it from its commencement, and is now in a remarkable state of preservation as to health and activity.

HON. W. R. COX.

NORTH CAROLINA.

**W**ILLIAM RUFFIN COX was born, March 11th, 1831, in Scotland Neck, Halifax county, N. C. His family is of English extraction, his paternal grandfather, baptized in Old St. Paul's Cathedral, London, having belonged to the English navy, though afterwards, during the Revolutionary war, he was in the American merchant service, in which he was captured by the British. His father, Thomas Cox, was a native of Chowan county, N. C., and a prominent merchant, having been a partner in the firm of Devereux, Clark & Cox, of Plymouth, N. C., and in that of Maitland & Cox, of Philadelphia, houses largely engaged in exporting to the West Indies, owning the vessels employed in their trade; he was also a member of the Senate of North Carolina, from Washington county, and a leading advocate of the first railroad in the State. Mrs. General John H. Winder, of Baltimore, it may be added, is a sister of his father. His mother, whose maiden name was Olivia Northfleet, was a daughter of Marmaduke Northfleet, a well-known planter in the eastern portion of the State, and a sister of Mrs. Weldon N. Edwards, of Warren county.

In 1825 his father moved to Halifax, N. C., where he died in 1836, after which his mother removed to Nashville, Tenn., to join an elder sister. He was a student at the Vine Hill Academy, in his native county. Near Nashville he was prepared for and in 1846 entered Franklin College, from which he graduated with distinction in 1850. Choosing the law for his profession, he attended the Lebanon (Tenn.) Law School, at which he graduated in 1852, having as preceptors Judges Green, Carruthers and Ridley, and as fellow-students General Bate, who came within one vote of defeating Andrew Johnson for the United States Senate, in 1874, Judge McHenry and Judge East, both of whom have been members of the Supreme Court of Tennessee.

Going to the Nashville Bar, he formed an ad-

vantageous partnership with the Hon. John G. Ferguson, an experienced and accomplished lawyer, with whom he continued to practise during his residence in the State. He returned to North Carolina in 1857, but relinquished the practice of his profession to engage in cotton planting, settling in Edgecombe county. In 1859 he removed to Raleigh, and in the following year was nominated by the Democrats as a candidate for the House of Commons, on the ticket with E. G. Haywood and Henry Mordecai, opposing the Hon. Sion H. Rogers, the Hon. Kemp P. Battle, and J. P. H. Russ, who, after a spirited contest, were elected by a small majority. While reared in the school of State Rights, however, he was opposed to the war until war became inevitable, when he promptly embraced the cause of his State and her Southern sisters. Having contributed to the equipment of an artillery company, he was employed in recruiting a company of infantry, when Governor Ellis tendered him a commission as Major of the Second Regiment of North Carolina troops, of which the gallant C. C. Tew was Colonel, Judge W. P. Bynum Lieutenant-Colonel, Judge Faircloth Quartermaster, and Judge Hilliard Commissary. On the death of his Colonel at Sharpsburg (Antietam), he became Lieutenant-Colonel, following the promotion of Lieutenant-Colonel Bynum, and, on the resignation of the colonelcy by that gentleman for the purpose of accepting the office of solicitor, to which he had been elected after the battle of Fredericksburg, came into full command of the regiment, at the head of which, and of the brigade, which he commanded later, he participated in the various battles of Stonewall Jackson's corps. In the battle of Chancellorsville, he was shot down, being wounded in three places, and leaving half of his men killed or wounded on the field. Disabled by his wounds, he could not follow General Lee's army to Gettysburg, but on its way back from Pennsylvania rejoined it, finding that, in the meantime, he had been recommended by his superior officers for promotion, and being, in fact, promoted shortly afterwards to the rank of Brig-

adier-General. After the battle of Spottsylvania Court-House, he was placed in command of Ramseur's brigade, composed of the Second, Fourth, Fourteenth and Thirtieth Regiments, with parts of the First and Third of Stuart's brigade, and attached to General Ewell's corps, a position which he held to the close of the war, the celebrated brigade maintaining its full prestige under his leadership. In the battle of the 12th of May, at the close of a gallant charge, he had the honor to receive on the field, with the other officers of the brigade, the thanks of General Lee. His brigade, on the death of General Jackson, served with General Ewell, Jackson's successor, until it was detached from the Army of Northern Virginia, and made what is known as the Valley campaign, participating in numerous battles with varied success, under Generals Early and Gordon, but always against overwhelming numbers. Returning from this campaign, he joined General Lee in front of Richmond, where he again had the good fortune to win the acknowledgments of that noble chief-tain, lighting his sad heart with a gleam of sunshine even amid the fast-gathering clouds of overwhelming disaster. The incident has been well told by Governor Vance in a public address, and may be fitly given here in his words.

"During the retreat from Petersburg," says the Governor, "to that memorable spot which witnessed the final scenes of that once splendid Army of Northern Virginia, when everything was in the utmost confusion, the soldiers straggling hopelessly along, thousands deliberately leaving for their homes, and the demoralization increasing every moment, and the flushed and swarming enemy pressing them closely, a stand was made to save the trains upon which all depended. Some artillery was placed in position, and General Lee, sitting his horse on a commanding knoll, sent his staff to rally the stragglers, mixed in hopeless, inextricable confusion, behind a certain line, when presently an orderly column comes in view, a small but entire brigade, its commander at its head, and files promptly along its appointed position. A

smile of momentary joy passed over the distressed features of the General as he calls out to an aid, 'What troops are those?' 'Cox's North Carolina brigade,' was the reply. Then it was that, taking off his hat, and bowing his head with goodly courtesy and kindly feeling, he said, 'God bless gallant old North Carolina.'" It was in accordance with the fitness of things that the brigade whose gallantry drew forth this invocation should have made, as it did make, the last charge in the last battle at Appomattox, its commander still at its head. Unfortunately the written testimony borne by his superior officers to the valor and efficiency of his brigade was destroyed amidst the general confusion and disorder that prevailed at the close of the war, but its deeds are imprinted in the hearts of those with whom it served, and will not grow dim while they live. As for himself, his deeds are in part recorded on his person, which bears the marks of no less than eleven wounds received in battle. When the war ended, he resumed the practice of his profession at Raleigh, and not long afterwards was elected President of the Chatham railroad.

In the early days of reconstruction, most of his friends being banned, he kept aloof from politics; but at the first election under the constitution adopted in 1868, he consented to stand for the office of Solicitor of the Metropolitan district, though without any expectation that he would be elected, as the district was Republican by about four thousand majority. Nevertheless, he was elected by twenty-seven majority, holding the office for six years, and justifying by the ability and fidelity with which he performed its duties alike the choice of his friends and the trust of his opponents.

In 1873 he was made Chairman of the State Educational Association, which position he held during that year and the two following ones, being instrumental, as Chairman of the Executive Committee, in establishing the *North Carolina Journal of Education*, a monthly devoted principally to the cause of common-school education, and having on its list of contributors the first literary talent of the State. Established at a critical

time in the history of public education in North Carolina, this periodical, it can hardly be doubted, exerted a decisive influence in favor of the cause. His services in this relation afford not the least of his many titles to the grateful esteem of the people. On the 20th of May, 1875, the one hundredth anniversary of the Mecklenburg Declaration of Independence was celebrated at Charlotte, N. C., in the presence of some forty thousand people, whom he addressed in a speech remarkable for the broad and lofty patriotism that pervaded it, and in which he thus described the spirit and requirements of the people of North Carolina, who, in this respect, may be said to have represented the people of all the other States of the South: "North Carolina has always been attached to the principles upon which the government is founded. But give her the rights guaranteed her by law, secure her local self-government and liberty, and she will be found as true and loyal as any in the most favored portions of the country. We have no war to make upon the government, but will hold up to merited condemnation any party which through corrupt and partisan ends may seek to array section against section."

On the occasion of a banquet given at the Tarboro' House, Raleigh, in honor of the second annual meeting of the Cotton States Congress, held in that city in July, 1875, he presided, and welcomed the guests, declaring with emphasis that the true purposes of such conventions were the development of the resources of the States, and the promotion of the welfare of the citizens by a national and comprehensive policy. He, indeed, lost no fit opportunity to reinforce the national sentiments of the people.

When the chairmanship of the Democratic State Executive Committee became vacant by the death of the Hon. D. M. Barringer, he was elected to that office, which he filled with marked vigor and ability, contributing largely by his rare powers of organization, and unsleeping vigilance, and scarcely less by his personal character and acknowledged patriot-

ism, to the success of his party in the campaign of 1876. His name, at this period, was brought forward by the people of his district in connection with the nomination for the governorship of the State, but he declined to compete for the honor. He was chosen a Delegate from the State at large to the Democratic National Convention at St. Louis, in 1876, as he had been chosen a Delegate from the State at large to the convention which nominated Seymour and Blair in 1868, though he declined to attend the St. Louis Convention. On the 31st of January, 1877, he was appointed by Governor Vance Judge of the Sixth Judicial District of North Carolina, comprising the central portion of the State, an office which he now holds, and for which he is singularly fitted by the quality and habits of his mind, by his intellectual culture, his unswerving integrity, and the dignity and urbanity of his deportment. Short as is the time which he has sat on the bench, he has delivered at least one decision of more than local interest, which was contrary to the rulings of two of his associates on the Superior Court bench, and on appeal to the Supreme Court of the State was sustained in terms peculiarly complimentary to his judicial aptitudes. The case referred to was that of the State *vs.* J. F. Hoskins and others, in which he decided that the act of Congress whereon the Federal courts base their claim to remove to the Circuit Court of the United States for examination the cases of revenue officers charged with criminal offences by the State, unconstitutional. This decision, as intimated above, the Supreme Court affirmed, declaring, by consequence, that when a defendant, in any indictment for assault and battery, made affidavit that he was a revenue officer of the United States, and that the alleged offence was done under color of his office, the judge in the court below committed no error in ordering further proceedings in his court to be stayed until that matter was inquired of. The preparation of the opinion of the court on the appeal was assigned to Chief-Justice Pearson, but on account of his protracted indisposition, he was unable to undergo the labor, and the opinion was prepared by

Judge Reade, who said, among other things: "We think his Honor, Judge Cox, was both prudent and wise, and that his decision was right;" adding, "Every man assents to the proposition that the United States has no jurisdiction to try offences against the State by her citizens, or in any manner to interfere in the police regulations of the State. In these matters the State is sovereign and supreme. The fallacy consists in supposing that the matter in hand has anything to do with the State or the State with it." But his judicial cares do not absorb all his time, as his professional cares did not, since he is now, as he has been for many years, deeply engaged in cotton-planting, employing a large number of hands continuously on his plantations. In fact he has always taken much interest in agriculture in general, in the advancement of which he has borne an influential part, having been often a member of the Executive Committee of the State Agricultural Society, and frequently delivered addresses before that society and others of like character. Nor has he wholly passed over financial affairs, as is evidenced by the fact, among others, that he is a Director of the National Bank of Raleigh. In addition to his prominence in so many spheres of secular activity, he is a zealous churchman, being a member and vestryman of Christ Church, Raleigh, a regular attendant at the Diocesan Conventions, and a joint trustee with Judge Battle and Bishop Atkinson over the property of the diocese.

Judge Cox holds a position in the hearts of the people of North Carolina that might be coveted by any man; he has been intimately connected with her history for some nineteen years, and has in that time worked zealously to advance her interests. He is popular with men of all shades of opinion, and if in the future the people of North Carolina shall demand his services for the highest position in their gift, the honor and reputation of the State will be safe in his hands. He married, in 1857, Miss P. B. Battle, daughter of James S. Battle, planter and manufacturer, of Edgecombe county, and sister of the Hon. W. S. Battle, Tarboro, N. C.

## CAPTAIN W. L. BRAGG.

ALABAMA.



WALTER LAWRENCE BRAGG was born, February 25th, 1835, in Lowndes county, Ala., and is the eldest son of Newport and Martha W. Bragg. The Bragg family is of English descent, and the earliest account that we have of it is of Norman origin. A member of the family was Speaker of the English House of Commons during the administration of the younger Pitt. Three brothers of this family came to this country with Sir Christopher Newport about the middle of the seventeenth century, and settled, one in Virginia, another in North Carolina, and a third in Maryland. From the North Carolina branch were descended General Braxton Bragg, who commanded the Confederate armies at Pensacola, and at the battles of Shiloh, Perryville, Murfreesboro, Chickamauga and Mission Ridge; Hon. Thomas Bragg, Governor of North Carolina; Judge John Bragg, for twelve years Judge of the Circuit Court, Alabama, and member of the United States Congress; and Captain William Bragg, who died in the Confederate service. General Edward S. Bragg, of Wisconsin, is also a member of this family. From the Virginia branch was descended Peter Bragg, the grandfather of the subject of this sketch, who was a native of Fauquier county, Va.; he was seventeen years of age when the Revolutionary war broke out, and enlisted in the army and fought under Greene at Hobkirk's Hill and Guildford Court-House. At the close of the war he settled in South Carolina, where his son, Newport, the father of Walter L. Bragg, was born. Newport Bragg married Martha W. Crooke, a daughter of James Crooke, a wealthy planter of South Carolina. Mrs. Newport Bragg was connected by marriage with the well-known South Carolina families of Moore and Barry. Governor Andrew Barry Moore, Governor of Alabama from 1857 to 1861, was her double cousin, and Hon. William Barry, of Kentucky, at one time Postmaster-General of the United States, was a relative of Mrs. Bragg.



*W. L. Bragg*





In 1829 the family moved into Lowndes county, Ala., where Walter L. Bragg was born, and in the fall of 1843 they removed to Ouachita county, Ark., where they continued to reside until the spring of 1861. Newport Bragg was an educated planter, a prominent citizen distinguished for personal integrity and uprightness of life; for hospitality which charmed and delighted all who came within the range of its influence; for devotion to English literature, and fondness for hunting and fishing, whose comfortable home was the much-sought resort of friends and neighbors, and especially young people. It was a favorite saying with him: "You may show me the genius of all other authors, and the power and beauty of all other languages, and I will show you where they are all surpassed by the great writers and orators of England." He was a philosopher and philanthropist in the broad sense of the words, and was noted for his kindness, liberality and indulgence of his children and servants. He died on the 7th of March, 1855, in the fifty-fifth year of his age, leaving a widow and seven children, all of whom are living. That widow is now seventy-one years of age, and through life has been a woman of remarkable intellectual gifts; highly cultivated by extensive reading of standard authors, an humble Christian, but with a force of will like fate itself. Had it not been for her pious influence and resolute spirit, which admitted of no trifling, the spoiled and indulged boy, whose every wish was gratified by the overfondness of his father, might have accomplished but little in life. Judge Scott, one of the most distinguished of the Supreme Court Judges of Arkansas, who was a strong friend of the family, and neighbor, used to say of her: "She is the only woman I ever saw whose excellent judgment and imperious spirit when roused reminds me of General Andrew Jackson." Yet she was very domestic, devoted to her husband and children, and universally beloved and respected by all her acquaintance. In a comparative wilderness, which has since blossomed as the rose, she gathered her young children about her, and taught them the rudiments of education, until

they were well advanced for the schools. More than one of her five sons have inherited her indomitable spirit, but it would be an unequal and exceptional task of Nature for all the virtues of such an extraordinary mother to be transmitted to any of her progeny. Of her seven children, two are daughters and five are sons. Mrs. Virginia C. Cleaver, the eldest daughter, is the widow of Captain William H. Cleaver, who was killed in 1861 while in the Confederate army on an expedition against New Mexico; Florence M. Bragg, the younger, is unmarried; and both are living with their mother at the old family homestead three miles west of Camden, Ark. Dr. Junius N. Bragg and Dr. John M. Bragg are practising medicine in Camden, Ark.; Anthon V. Bragg and Albert P. Bragg are farming in the neighborhood of Camden. The remaining and eldest son, Walter L. Bragg, after receiving the benefits of a liberal education, entered the Law School of Harvard University, where he studied for three terms, and eventually left in consequence of the unpleasant relations existing between the students from the two sections of the country then on the verge of open rupture. While at Harvard, he had for classmates John W. Foster, of Indiana, afterwards a Brigadier-General in the Federal army, Edward C. Billings, afterwards Judge of the United States District Court of New Orleans, and George Bliss, since United States District Attorney for the Southern District of New York, an eminent authority, and author of a work on "Life Assurance." He read law with Hon. Christopher C. Scott, a distinguished jurist and Judge of the Supreme Court of Arkansas, and in 1856 entered upon the practice of his profession at Camden, Ark. In 1860 he formed a partnership with Colonel John R. Fellows, since that time Assistant District Attorney of the city of New York. In politics he has always been a Democrat of the Andrew Jackson school, and canvassed and voted for Buchanan for President in 1856, and for Breckinridge in 1860. He was strongly opposed to the tenets and course advocated by Yancey, Rhett and others for many years prior to 1861, but when the crisis came,

when South Carolina had seceded, and other Southern States were preparing to follow, he favored the withdrawal of all the Southern States from the Union, and resistance by force of arms to the repressive measures then being inaugurated by the government of the United States. At that time it was customary for political speakers in the South to ridicule the courage of the Northern people, and to argue that a mere show of force would accomplish peaceable secession. In a speech delivered by him in February, 1861, while counselling resistance and predicting that it would be followed by a bloody war, he combated the views of those who ridiculed the courage of the North in the following language:

“The history of the Northern people is the history of a firm, hardy race—unbending as their granite hills. Such men were their fathers before them. Whether right or wrong, their courage has been stubborn and unyielding. They were among the first to resist Great Britain in the war of Independence. Monmouth and Yorktown are historical index-boards which point to Northern as well as Southern graves. The soil of Canada and Mexico wraps the bones of Northern men, who fell fighting under the flag of their country. They now number eighteen millions of inhabitants, and it is folly to underrate such a foe, or to suppose that they will retreat from the position they occupy without a long shock of arms. Why should they do so? They have been gaining ground steadily for ten years, and have now elected a President of the United States.”

In April, 1861, he enlisted in the Sixth Regiment of Arkansas Infantry, and under command of General Hardee advanced into Eastern Missouri; early in the fall of 1861 he passed into Kentucky, and during the remainder of the war continued an infantry soldier in active service in the field, nearly all the time on out-post duty, and was with General J. E. Johnston when he surrendered at Greensboro, N. C. He participated in the battles of Woodsonville, Shiloh, the battles around Corinth with Halleck's army, Murfreesboro, Liberty Gap, Chickamauga, Missionary Ridge, Ringgold Gap, Dug's Gap,

Resaca, Cassville, New Hope Church, Pumpkin Vine Creek, Lost Mountain, Pine Mountain, Kennesaw Mountain, Peach Tree Creek, the battle of Atlanta on the 22d July, 1864, Jonesboro, Decatur and Bentonville. During the last two years of the war he was most of the time in command of the sharp-shooters of General Cleburne's division, of which gallant soldier he was the intimate personal friend for years. Cleburne's division was the most celebrated for its fighting qualities in the army of the West, and its commander, Major-General Patrick R. Cleburne, was one of the most remarkable and peculiar men in the whole Confederate service; he was a native of Ballin Colleg, Ireland, and the son of a physician. When about seventeen years of age he enlisted as a private soldier in the Fortieth Regiment of Infantry in the British army, was promoted to corporal, but having been reduced to the ranks on account of some convivial irregularity with some of his comrades, he quitted the army and came to America, settling at Helena, Ark. He practised there some time as a lawyer, and on the outbreak of the civil war entered the Confederate army as Captain of a company. As a lawyer his attainments were respectable, but his true element was that of a soldier, and from the moment he entered the service, his whole career was one scene of distinction and glory. He was modest and retiring, and a man of great integrity and purity of character. He mingled but little with his men, but such was their confidence in him and attachment for him, that his presence at any part of the line, under the most terrible fire, was every needed reinforcement. At the time he fell, at Franklin, he was not then forty years of age; he was never a favorite with the administration at Richmond, and all his promotions were due to his superior military ability and success; he was, in fact, the Stonewall Jackson of the Western army, and was so estimated by his soldiers. His division was a curious compound, being formed largely of Irish from the levees along the Mississippi, and of the young men of Texas and Arkansas, with a very small percentage of old men—nearly all the officers

being quite young. It was exceptionally well-drilled, and went through all the vicissitudes of battles with very much the same precision as it did the evolutions of ordinary drill—such a thing as its being thrown into confusion was never known. That division was never repulsed, and, as Macaulay said of Cromwell's Ironsides, "It came to regard the day of battle as the day of certain triumph." It bore a leading part in the battle of Murfreesboro, and in every other great battle fought by that army until General Cleburne was killed at Franklin. At Stone river it drove more than twice its numbers, on the Federal right, from successive positions, a distance of four and a half miles, capturing many prisoners and several pieces of artillery. At Chickamauga, where it lost half its numbers in killed and wounded, when the Federal army had driven the Confederates back to the ridge immediately overlooking Alexander's Bridge, on the evening of September 19th, 1863, this division, by forced marches, arrived on the field about sundown and drove the Federal army a distance of a mile, fighting till about nine o'clock at night. As it went into that battle General D. H. Hill, commanding the corps, said: "That is Cleburne's division, and if it does not move the Federals there is no move in them." On the next day it stormed breastworks, defended by such divisions as those of Van Cleve and Negley, justly considered two of the finest divisions in the Federal army. At Missionary Ridge, on the right, this division stood firm and held its ground against Sherman's corps, and only withdrew after dark, when every other portion of the line had been abandoned to the Federals. At Ringgold Gap, October 27th, 1863, it first ambuscaded about a brigade of Federal infantry and then held its position during the remainder of the day against four times its numbers, and this, too, while the rest of Bragg's army was in wild retreat and in an utterly demoralized condition. On July 22d, 1864, at Atlanta, in the battle in which General McPherson fell, Cleburne's division stormed two lines of Federal breastworks, and continued the fight till late in the night, nearly every field officer in the several brigades composing the division being either killed or wounded. It was of this division and its conduct at the battle of Franklin that the Federal authorities, telegraphing the particulars of that battle to Washington, said: "The determined bravery of the rebels exceeded anything ever before seen."

One of the celebrities of this division was a chaplain, a Catholic priest named Carius. He was a general favorite, a man of fine education and intellectual acquirements, and constitutionally fearless. He frequently rode about the skirmish line while hot firing was going on, and never went further to the rear than the hospital for the wounded on the field during the progress of a battle. He had words of cheer for the brave soldiers who were going into battle, and he stayed close by and administered the comforts of holy religion to the wounded and dying who were brought off the field. The Third and Fifth Confederate Regiments in this division were composed nearly altogether of Irish Catholics, and while the cannon-balls were crushing the timber over their heads in the battle of Chickamauga, Father Carius rode up into the line of battle in sight of the Federal works before the advance began, and, upon a signal from him, the men of these regiments being on their knees, he there gave them, in a few words, the blessings of a church whose missionaries are to be found in every part of the habitable globe. To the hardy veterans of many battle-fields, who stood as spectators in respectful silence, it was a strange sight, but it was grand, a scene worthy of the painter. In a few moments the bugles sounded the advance, and these two regiments at their place in line, with the light of battle in their faces, and looking more as if they were going to a pleasant entertainment than to the shock of death, advanced to attack a fortified position as strong as that of Meade at Gettysburg, and defended by troops as brave. After terrific havoc and carnage that position was stormed, and the Fifth Confederate Regiment was the first to break through the enemy's line. When the courage of an officer or soldier was

questioned, it was a common saying among the men, "Send him to Carius." This good priest is still living in New Orleans.

At the close of the war Mr. Bragg settled in Marion, Ala., and resumed the practice of his profession, forming a partnership with Napoleon and Powhatan Lockett, which continued till the death of the former, in 1867. In that year he became associated with Pinckney B. Lawson, their partnership ending 1st January, 1869, from which date he was joined by Judge James F. Bailey until Mr. Bragg's removal to Montgomery, Ala., in April, 1871, determined that partnership. In April of that year he formed a partnership with Hon. John T. Morgan, since United States Senator, and William S. Thorington, his present partner. He had taken but little part in public affairs until the year 1870, and up to the summer of 1874 had acquired no popular distinction in politics, being chiefly known as a lawyer who prosecuted the practice of his profession in a laborious manner. In the election of 1872, although the Democratic and Conservative party had able and popular candidates, the Republican party had carried the State election by nearly ten thousand majority, electing the Governor, all the State officers, a majority of the Legislature and a United States Senator. When the State Convention of the Democratic and Conservative party assembled, in July, 1874, to nominate candidates upon the eve of what was then known to be the most tremendous and momentous party contest that had ever occurred in the State, by one of those strange fatalities which sometimes occur in public affairs, the leading spirits of the party, such as Pettus, Morgan, Houston, Watts, Pugh, Walker, Lyon, Langdon, Elmore, Troy, Brooks, Forney, Boyd, Barnes, with others of commanding influence, and the masses of the convention, unanimously, and as with one accord, without any solicitation on his part and even against his wishes, united on Mr. Bragg, and selected him as Chairman of the State Executive Committee, with unlimited powers to manage and conduct the approaching canvass. This canvass was so remarkable and followed by such extraordinary results, not only

in Alabama but in the influence it had on other Southern States, that it is in itself an era.

At the time that canvass commenced, the Democratic and Conservative party was without organization, but within a short period thereafter there were district committees in every district, county committees in every county, and beat committees in every beat of the State. The walls in the rooms of the State Executive Committee were soon covered with county maps and handbills of appointments, and, with the number of clerks present, the system prevailing, and the correspondence carried on, had all the appearance of a war office. By inquiry there it could be learned how many speeches would be made in the different localities of the State on any day during the canvass, the names of the speakers who would make these speeches, and the places at which they would be made; and on the next day, in most instances, it could be ascertained at that office what the size of the crowd had been at the meetings of the day before in various parts of the State. By like inquiry at that office it could be ascertained what meetings had been held by the Republican party the previous day, the speakers who had addressed the meetings, and the size of the crowd present at each meeting. As an evidence of the thorough organization and minute attention to detail, it may be mentioned that on one occasion, during the canvass, meetings were held in every district, every county, and every beat in the State in one day. The telegraphic despatches alone frequently cost \$100 a day. As it was notorious that most of the postmasters and their assistants were active and unscrupulous agents of the Republican party, it was found practically useless to send Democratic campaign documents through the mails with any hope of delivery, consequently all Democratic instruction and documents were obliged to be sent at great expense, by express or private messenger, to insure delivery. The canvass was without parallel in the party contests of Alabama. It lasted more than two months, and such was its system that it had abated none of its vigor at its close. It was of common occurrence during that canvass

for between three and four hundred speeches a day to be made by the speakers of the Democratic and Conservative party in different parts of the State. A fierce enthusiasm, which burst over all bounds, seized upon the masses of that party, and women and children went to its meetings with the men, and frequently those meetings were opened by prayer. In many instances ministers of the gospel and school teachers became famous political speakers. For several days before the election it was like a general holiday throughout the State; business was to a large extent suspended; political bulletins were read to crowds about street corners, in cities and towns; and in the country masses of men rode from one political meeting to another.

The leaders of the Republican party, some of whom were able and eloquent men, prosecuted their canvass with corresponding effort. The mass of their party consisted of ignorant negroes, and to these they appealed, assuring them in the most frantic manner that if the Democrats carried the election they would be put back into slavery, all of which the negroes believed, and felt that their only hope to retain their freedom was to carry the election. In the interest of the Republican party, spies, informers and detectives swarmed through the State, and some of them even went so far in their efforts to manufacture pretexts for Federal and military interference that they shot holes in their own hats and clothes, and pretended that it had been done by Democrats in ambush, as was shown by their own evidence in the Congressional investigation which followed this election. Many active Democrats were arrested and carried to a great distance and bound over before United States commissioners to answer imaginary charges, which were never prosecuted. United States infantry and cavalry were stationed at various points in the State and were used by spies and informers in making arrests which were never prosecuted. But such was the fierce spirit and determined resolution of the masses of the Democratic and Conservative party that all these things, so far from dampening their

ardor, only made them swarm out in greater numbers at political meetings.

The election that followed was carried by the Democrats by a majority of more than thirteen thousand votes, and, as subsequent events have shown, was the complete and final overthrow of the Republican party of Alabama. The victorious Democracy, emerging from the most heated and protracted party contest in the annals of the State, smarting under the wrongs, frauds and oppressions of carpet-bag and negro rule, and feeling that such adversaries were enemies of the public welfare, and deserved no quarter, in many instances were making contests for county and local offices upon legal grounds of a purely technical character, without regard to the popular vote cast at the election. This circumstance called forth the following address from Mr. Bragg:

“The substantial test of every election is the fairly expressed will of the people: and neither more nor less than this ought to be the desire of every good citizen. In an election in which so many officers were voted for, we think it not improbable that there may have been occasional irregularities in the mode of holding the election and of making the returns in some of the voting precincts of this State; and in every such instance where there was no fraud, nor actual injury to their just rights, we call upon the candidates of our party to abide by the will of the people as fairly expressed, and to refrain from making contests for offices predicated upon any such technical irregularities.”

The immediate effect of this address was to put an end to all such contests; and on account of its moderation and the spirit of justice which pervaded it, the address itself was generally copied and commented on favorably by the leading journals of each of the great political parties in the United States. The *New York Herald*, in referring to it, said: “The Democrats down in Alabama have one man in their party who has some sense.” At this election, under Republican laws and Republican rule, it was no crime for one man to vote an unlimited number of times, and such was the excitement

that nothing prevented their doing so but the most rigid vigilance on both sides. It is a remarkable coincidence that at this election the Republicans cast 94,000 and the Democrats 107,000 votes, making more than the extreme rate of one voter in five of the population. No prosecutions or indictments followed on either side, a most unusual circumstance, after so excited and hotly contested an election.

At the inauguration of Governor Houston, which followed, it was estimated that fully 30,000 people were present in Montgomery, and so great was the crowd that it was almost impossible to escort the carriages containing the Governor, Senator Morgan, Mr. Bragg and others to the capitol.

The direct fruits of this election were a settlement of the enormous public debt of Alabama, upon which no interest had been paid for several years, and since which settlement interest has been paid promptly as it falls due, while the large floating debt of the State, which had previously been at a discount of twenty-eight cents on the dollar, has long since been restored to par: a constitutional convention and a new constitution for Alabama: the enactment of laws holding officials to rigid accountability, enforcing the administration of public justice, protecting the privilege of the elective franchise and punishing frauds against it, and bringing about a thorough reform in every branch of the State government, general and local. The public debt of Alabama was at that time about \$30,000,000; the greater portion, which was incurred during the reckless and profligate rule of the carpet-bag government, has since been compromised and the debt reduced to about \$10,000,000. Under this changed state of affairs the State has prospered to an extent that has been wonderful; its people have paid their debts, and individual thrift, economy and prosperity are everywhere visible. Men of all parties, races and creeds live together as neighbors and friends.

There was a spirited canvass and election for the Constitutional convention, in 1875, but it was carried by a majority of between seventeen

and eighteen thousand votes; and again for the ratification of the new constitution, in the same year, but it gave such general satisfaction that it was carried by a majority of between fifty-five and fifty-six thousand votes. Holding the same position in his party as in 1874, Mr. Bragg managed the canvass for the Democratic and Conservative party in each of these last two elections. General Edmund W. Pettus, of Selma, Ala., one of the foremost men in the ranks of the Democratic party in Alabama, in writing of these campaigns, says:

“As a citizen, I desire to congratulate and thank you for the service you have rendered the State, as the captain of our forces, in the three campaigns against the enemies of good government. Bold and cautious, daring and discreet, there has been the plainest demonstration of the ‘birth-hour gift, the art Napoleon, of winning, fettering, moulding, wielding, banding the minds of millions, till they move as one.’ I know no other man in the State who was able to do the work, or who had the will of steel and iron frame to undergo the labor.”

Mr. Bragg resigned this position in February, 1876, but at the national convention of his party, at St. Louis, during the same year, although not present at the convention nor desiring the place, was elected a member of the National Democratic Executive Committee, and in the Presidential canvass of 1876 made speeches in forty different counties of his State for the nominees of that convention. In March, 1877, he resigned his position as a member of the National Democratic Executive Committee. In the fall of 1876 he was appointed one of the Commissioners to settle the city debt of Montgomery; the city was then bankrupt, and in the spring of 1877 he visited the city of New York on this business, and effected negotiations which resulted in a settlement of this debt, since which the city has been enabled to meet its obligations.

On the 12th of July, 1876, a beautiful and expensive silver service was presented to Mr. Bragg, the gift of the people of Alabama, in consideration of his public services. The cere-

mony of presentation occurred at the Arlington Club Rooms, in the city of Montgomery. The presentation speech was made by Hon. George W. Stone, then and now a judge of the Supreme Court of Alabama, and for more than twenty years one of the most distinguished jurists and eminent citizens in the State. Judge Stone spoke as follows :

“CAPTAIN BRAGG: It has been customary through all time, to give some testimonial, to erect some memorial commemorative of distinguished services rendered by patriots and philanthropists. History, all along its pathway, is lightened up by such memorials. They are the silent, yet enduring plaudit, which a grateful public is wont to bestow for deeds of voluntary, yet heroic beneficence.

“You, sir, have well-earned claims upon us which can never be effaced while memory remains. When our rightful government had been wrested from us by an edict, ‘more relentless than the torch of Omar;’ when all our high places were desecrated by the polluted presence of aliens to our instincts and blood; when the manhood of our State had well nigh succumbed to the haughty behests of the despoiler, and was about to despair of deliverance; when woman, always the keenest sufferer in man’s degradation, had almost ceased to encourage us to further effort—you, sir, stepped to the front, and with a bugle-blast that reverberated from the mountains to the Gulf, you aroused the patriotism and purpose of the masses, which had only slumbered, and led us to victory. Victory, not by war’s bloody arbitraments, not by fraud, force or intimidation, ‘but by the resistless power of the ballot—the artillery of popular sovereignty.’ We stand to-day redeemed and restored to all the peace-giving powers of honest home government. We hail *you*, sir, as the captain-general, under whose leadership we have achieved these grand results.

“In the name of the people of Alabama, whom you have so well and faithfully served, and as a faint testimonial of their gratitude, I present you this tea-service and accompanying pieces, purchased with means furnished by many

of your admiring friends. May it prove to be, sir, but an instalment of the debt we so justly owe you.”

In reply to the above remarks, Captain Bragg then made the following speech :

“JUDGE STONE: To receive, as I now do, this testimonial from a people I love and honor, causes me emotion I find it impossible to properly express. Such a gift, bestowed under such circumstances, can be estimated by no pecuniary standard of value. It is a child of honor, and honor is without price. As an offering of the popular heart, compared in value to such an expression as this, bonds and mortgages are trash. If it was but a feather, plucked from the eagle’s wing, and presented to me under such circumstances, I should consider it of inestimable value; not because, when the property of its once fiery possessor, it had dwelt above the clouds, higher than the lightning’s glare and the thunder’s home, or struggling with the winds had outrode the storm; but because it was the gift of a great people, indicating their approval of the humble services of a citizen, rendered in their behalf in time of trial.

“The gratification I experience is chiefly due to the fact, that the same great people, who honor me now, are the people whose confidence and sympathy I had in the trying struggle to which you have so eloquently alluded. To this people belongs the glory of the victory achieved in that struggle, and of the reforms since then accomplished in this State. It was this people who knew their rights, and knowing, dared maintain them! It was this people who, taking counsel from their God and from the wisdom of their fathers, stood up in solid phalanx, from the Tennessee river to the Gulf, and, in an hour of supreme heroism, swept their oppressors from power like chaff before the storm! It was this people who, like Cortez of old, burned their boats behind them, and then marched forward to meet the enemy. The deliverance of this State, in that struggle, required an effort of sovereign power, and it was this people who did that work, and they alone were capable of it.

I was but one instrument of their will. They had thousands of others.

"I thank you for your kind allusions to me and to my humble public services. I feel that the part I performed was more the result of accident than otherwise. To this day it has ever been a mystery to me why, at that time, my name was suggested for Chairman of the State Executive Committee of the Democratic and Conservative party of Alabama. Conscious of my own obscurity, when it was mentioned to me that I was desired for this place—a place that had been continuously held by men amongst the foremost in our State—I felt that I had no qualifications for such a place, and I did all I could, consistently with propriety and a sense of duty to others, to avoid accepting it. But a large number of friends, in whom I had confidence in other matters, would take no denial, and they, aided by my wife (who, though a small woman, has a large faculty of having her own way sometimes) pressed me into that service. I must admit, too, that much as I dreaded it, I was also influenced in accepting it, by the idea I have long entertained of the duty of a citizen to his country. I love ease as much as any man, but since attaining my manhood I have always felt that I would not be a citizen of any country that could not command my services as a citizen for the performance of any duty demanded by the country, 'from working on a public road with a grubbing hoe' to carrying a musket in battle.

"I have incidentally adverted to a member of my family, and it is to me a pleasing feature of this beautiful gift you present, that it is one which will be appreciated by her, quite as much as by me, and I have no doubt she will speedily subdue it unto herself. Another gratifying circumstance to me, connected with this occasion, is that this testimonial is presented by one whose voice has never uttered any uncertain sound in all matters where the rights of the people were involved, and who has never spoken 'in bated breath' in the presence of tyrants; one whose long, honorable and useful career has made his name a household word in Alabama; one who,

for a long period of time, has worn the judicial ermine of the highest court in this State without stain or blemish; and whose decisions, involving the lives, the liberties, and the property of his fellow-beings in the administration of public justice, whether in war or peace, have never bent to the right nor to the left to do the will of any earthly power, save that of the law itself.

"With all my heart I thank you, and through you, the great people, who have honored me with this marked evidence of your and their kindness and approval."

In the summer of 1876 Mr. Bragg was engaged for the defence in the trial of William A. Owen for the murder of Joel E. Matthews. The trial took place at Selma, Ala., and lasted from June 24th to July 9th, and the case was powerfully prosecuted by General Pettus, of Selma. Great public interest was excited, and the feeling against the prisoner ran very strong. Mr. Bragg brought all his resources into the service of his client, and, after an unusually protracted and exciting trial, secured his acquittal.

On the death of Hon. John A. Elmore, in November, 1878, Mr. Bragg delivered the following address on the resolutions offered in the Chancery Court of Montgomery county:

"MAY IT PLEASE YOUR HONOR: The custom of commemorating the virtues of the dead in some manner deemed appropriate is one of the most ancient and universal that has ever existed among men. The purpose of this custom is not to benefit the dead, because it cannot do that, but it is to elevate the standard of personal excellence among the living, by keeping continually before them in the most marked manner the influence of lofty examples, and by giving the assurance of grateful remembrance after death to those who have done good service for humanity. No living man, if he be worthy of the name, can be insensible to such considerations. The greatest of men feel them the most acutely. At the battle of the Pyramids, when Napoleon was exhorting his soldiers to stand firm against the advancing Mamelukes, he pointed to the monument of Cheops, and said: 'Soldiers! From the summit of those pyramids



thirty centuries look down upon you!' After the decks were cleared for action, and Nelson was advancing to attack the brave enemies of his country, at the battle of the Nile, he said to a group of officers who stood upon the deck of his ship: 'Between now and this time to-morrow, I will have gained the peerage or a tomb in Westminster Abbey!' Other familiar examples, illustrating the influence of these powerful incentives upon human conduct, might be mentioned, but it is not necessary. The saint, the martyr, the hero, the statesman, the jurist, and every other benefactor of the human race, no matter when, where or how, deserve to be made fixed pictures in the book of time, around which should cluster the just affections of humanity, and it is the duty of cotemporaries to arrange and adjust these pictures in accordance with truth, for the benefit of the present as well as future generations. I knew long and well the illustrious man whose virtues are commemorated in the resolutions presented to the court. I enjoyed the pleasure of his intimate friendship, unmarred by one single unkind thought during a long series of years, and while I shall never cease to feel the pain occasioned by his loss, so long as my own life lasts, and never expect to look upon his like again in all respects, yet it is some consolation to me now, as I know it is also to my brethren, for us to feel that we have had the opportunity to know and love such a man. For my part, I am almost afraid to trust myself to speak of him, although I feel it to be my duty that I should do so. This man was an intellectual giant. His natural endowments were prodigious. His mind was colossal, and yet in the practice of his profession—the law—it was so bright and discriminating that he rarely overlooked the smallest details of a case. Accuracy was, with him, a great distinguishing characteristic. All that associate counsel desired to know was that he had prepared the pleadings in any case, no matter how complicated or difficult; and that was sufficient. But his mind shone out most grandly in discussing questions of constitutional and statutory law; and in this branch of jurisprudence it is no disparagement to any of

his able and distinguished brethren to say, that he was without an equal in this State. When subjected to the critical tests applied by his august and imperious mind, adjudicated cases in the law books, which had long stood as unquestioned authorities, frequently became mere paper trash. His learning was great and thorough, but his mental resources were so much greater than any learning which can usually be obtained out of law books for the discussion of the facts of any particular case arising in practice, and his logic was so severe and correct that he cared but little for authorities whether for or against him when their reasoning was unsatisfactory to the dictates of his own judgment. He walked in the light of truth, taking principle for his guide, and unswayed by the petty advantages and undaunted by the difficulties afforded by shadows—a monarch in the warfare of logic. As an equity lawyer, his powers were vast and wonderful. If he had lived in England, the greatest of nations, I have no doubt he would have been made Lord Chancellor by the time he was fifty years of age. It has been a source of general regret with his profession that he never held the office of a Supreme Court Judge in this State, and this feeling is founded upon the conceded fact that he was able, learned and pure enough to have read opinions from the same bench with Mansfield, Marshall and Taney. It is well known that he once declined this great office when formally tendered to him. If he had accepted it, the public would have been greatly benefited, and an imperishable lustre would have been thrown around the name of the State. But the time never was when his love for the people of this State was any less than his great ability to serve them, and at different times in his long and eventful career he did serve them in a public capacity. In the early history of this State he commanded a company of infantry in the Indian war. The man who voluntarily takes his life in his hand, and goes forth to defend his country against its enemies without any of the allurements of high command, in order that his people may enjoy the blessings of peace and protection, walks in the highway of political holi-

ness and shows what his love for that people is; and the man who fails to do this in such an emergency, without an excuse so complete in itself as to exclude every conclusion against him, demonstrates his selfish indifference to the public welfare, and his unfitness to have a place in the affections of his people. Afterwards our departed brother was a Senator in the Legislature of Alabama, from the county of Lowndes. When the State of Alabama seceded from the Federal Union, bravely following the fortunes of his people, and standing with them in the hour of dire trial, he was a commissioner from this State to the State of South Carolina. Subsequently he was a member of the Constitutional Convention of Alabama in the year 1865. He was always faithful to every public trust, and discharged its duties with consummate ability. He was not a politician, and had no fondness for party strife, although he was at all times a man of decided convictions, and never hesitated to express them; but on great occasions he laid aside that reserve which arose more from the natural modesty of the man than from any other cause. During the great political canvass of 1874 in this State, he made several speeches which were pronounced by those who heard them magnificent specimens of unanswerable argument. But the just fame of John A. Elmore depends upon the borrowed light of no office he ever held. He was greater than all the offices he ever held, and greater than any office he could have held within the gift of the people of this State. In all that makes the man, he was one of the highest types of his race. None like him is left. If you want to see his like, you must look among former generations. He was the soul of honor. He was cast in as heroic a mould as Hotspur himself. His love of right—his high sense of personal propriety—his fidelity to truth without regard to consequences—his known courage—all combined to make him an oracle in all matters where the honor of men was involved; and numerous are the instances in which his decision has prevented the shedding of human blood. He was a man of fine social qualities, yet at the same time he was always, and on all occasions, a person of great dignity of character. He was a man who had all the ready elements of character, intellect, firmness, fortitude and courage to have fitted him to sit in a Roman Senate, and aided in devising measures for the public safety when a Carthaginian army, flushed with victory, was hovering in sight of the Eternal City, or to have stood without trembling in any dangerous crisis of fate. But the magnitude of his heart was as ample as the scope of his mind. It was full of tender love for his family and friends. When sympathy arose and asserted its sway in that great heart, it came swelling forth like the billows of the sea. Intellect is a grand attribute, so is honor and courage and dignity and fortitude; but there are times when every man should have a heart; and give me the man who at such times has a heart! Our venerable brother died as he lived—a wise and good man, and a philosopher. For long and weary months he stood face to face with certain death; and his sufferings were intense. He knew that it was only a question of time, and a brief period at that, and that there was no earthly hope for his recovery; yet he bore all his sufferings with uncomplaining fortitude, and at the end of them all, drew the drapery of his couch about him, and died as heroes die. No stately monument nor sounding epitaph is necessary to preserve the memory of this man from the ravages of oblivion. The spot where his noble form rests is consecrated ground, and it will ever be a sacred place in the minds and hearts of his brethren and their successors, and of his countrymen and their children. It needs no other mark than his own name to designate it as the grave of the great lawyer and citizen, and the hallowed resting-place of one of the greatest, purest and best men that ever lived in a State prolific in great men. If that name shall ever fall by that grave in any of the centuries that are to come, may one generation of heroes after another, worthy to perform the act, erect it in its proper place again, and still again, as often as occasion may require, and there may it stand in bright and living letters through all the stormy changes of this world until time itself shall be no more."

Mr. Bragg has never been a candidate for any political office and has never even sought a nomination, but has repeatedly declined office in civil life, as in the army he frequently declined advancement by promotion. His aversion to the restraints, cares, and trammels of office have through life been a marked feature of his character and, perhaps, a fault. He is a prominent member of the order of Free-Masons, and holds the second office in the Grand Encampment of Knights Templar of the United States. He is also President of the Alabama State Bar Association.

Captain Bragg occupies the front rank at the Bar of his native State, and as a lawyer has no superior in Alabama. He has appeared in many of the most important civil cases, among which may be mentioned one in which he defended a Probate Judge under the impeachment law: although one of the most uncompromising Democrats, he was, in the absence of able men among the Republican members of the bar, selected as counsel for this partisan Republican Judge, and in the appeal to the Supreme Court, which followed, convinced the court that the law under which the Judge was arraigned was unconstitutional. He has defended twenty-three men charged with murder, with such success that not one of them was even sent to the penitentiary. During the civil war, as Captain of Cleburne's Sharp-shooters, he was a fit leader for the daring spirits that formed that band. They were all picked men, in point of courage and skill with the rifle, and were principally assigned to picket duty, in which they displayed matchless skill and vigilance, and extraordinary powers of endurance. Absolutely fearless, physically and morally, and himself an unerring shot, his daring courage and unbending will enforced the strictest discipline among these fiery spirits, by whom he was regarded with unbounded confidence and respect. As Chairman of the Democratic State Executive Committee during the memorable campaign of 1874, he displayed remarkable executive ability and consummate powers of organization; and the rare intelligence with which he selected just the

right man to operate at any given point evinced a knowledge of human nature as exceptional as it was wonderful. Patriotic and single-minded in his desire to do his utmost for his party and section, he has studiously avoided public office, although the highest in the gift of the people was within his reach had he so desired. He possesses extraordinary control over men, and an instinctive insight into their motives of action. His brain-power and force of will are overwhelming, and his complete identification of himself with any cause in which he is interested, added to his indomitable energy, commands success in whatever he undertakes. While warmly devoted to his friends he is uncompromising with his antagonists, and the intense independence of his mind and character—amounting almost to a weakness—has frequently stood in the way of his interests. He possesses a clear conception of the true logic of any set of facts, with great powers of analysis and sound judgment. Of the strictest integrity, and with the keenest sense of honor, he possesses great delicacy of sentiment, his pride rendering him particularly averse to placing himself under the slightest obligation. Fond of deer-hunting and field sports of every kind, he has remarkable skill with shot-gun, rifle and pistol, and many of his strongest personal friendships have been formed by the genial companionship around the camp-fire after a hard day's hunting.

He married, in January, 1864, Susan W. Lockett, eldest daughter of Napoleon Lockett, of Marion, Ala, a wealthy lawyer and planter, and member of a prominent Virginia family. He has two children.

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#### COLONEL T. C. FULLER.

NORTH CAROLINA.

**T**HOMAS C. FULLER was born February 27th, 1832, at Fayetteville, N. C., and is the son of Thomas Fuller, merchant, of Fayetteville. The family is of English extraction, and settled first in South Carolina; James Fuller, an ancestor of

the subject of this sketch, was with Marion in the Revolutionary war. His mother was Miss Catherine Raboteau, of old Huguenot stock from Pennsylvania. His early education was acquired at the well-known school of John B. Bobbitt, at Louisburg, N. C., and at the schools of the Rev. Mr. Jones, at Medway, Franklin county, and Rev. Simeon Colton, at Summerville, Cumberland (now Harnett) county. He entered the University of North Carolina in 1849, remaining there two years. Judge W. A. Moore was a classmate of his, and Governor Z. B. Vance was a student during his residence there. His father dying in 1832, before he had completed his collegiate course he turned his attention to mercantile pursuits in his native town, and afterwards engaged in the manufacture of heavy wagons until the year 1854. In the latter part of this year he commenced the study of law at the law school of Judge R. M. Pearson, afterwards Chief-Justice of the State, at Richmond Hill, Yadkin county, N. C., and had for classmates Judge Schenck and Judge Furches. He was admitted to practise in the Superior Courts of North Carolina, January 1st, 1856, and returning to Fayetteville, commenced the practice of his profession there, where he conducted a large and increasing business until the outbreak of hostilities in 1861. On the 1st of May of that year he volunteered as a private in the First Regiment of North Carolina troops, of which D. H. Hill was Colonel, and was at once ordered to Virginia and stationed on the York Peninsula, participating in the battle of Bethel Church. This regiment was only enlisted for six months, and on its disbandment Captain (now Colonel) Starr, of Fayetteville, and Mr. Fuller as First Lieutenant, raised a company of light artillery, with which he served in the eastern part of North Carolina, and at Forts Fisher and Caswell until January, 1863, and, during that time, took an active part in the battles of Kinston and Neuse River Bridge. In November, 1863, he was elected to the Confederate Congress from the Cape Fear District, and continued to fulfil his congressional duties until the close of the war. In 1865, under President Johnson's

plan of reconstruction, he was elected to the United States Congress from the Cape Fear District, but in common with others was not permitted to take his seat, the State being regarded by the dominant party as unfit for representation. He continued to practise law in Fayetteville from 1865 to 1868, and was the Democratic candidate for Congress for his district in the fall of 1867, but was defeated by O. H. Dockery. In 1869 he formed a copartnership with his brother, under the style of B. & T. C. Fuller, at Fayetteville, which continued to conduct a prosperous business for some four years. In the fall of 1872 he was a candidate for elector on the Horace Greeley ticket. In March, 1873, he removed to Raleigh, and entered into partnership with Hon. A. S. Merrimon and Captain Samuel A. Ashe, under the style of Merrimon, Fuller & Ashe, which has continued to the present time, and is now one of the largest and most prosperous law-firms in North Carolina. Colonel Fuller is devoted to his profession, and his standing as a lawyer is probably superior to that of any other in North Carolina. To a large civil practice he has added almost the entire control of the cases in violation of the revenue laws, in the defence of which he has been singularly successful. But, perhaps, it is as a criminal lawyer that he has achieved the most brilliant success, his exceptional talent in winning over juries rendering him indispensable to every case of importance. Much of his success is due to his rare elocutionary powers, great command of language, and pointed, epigrammatic style, and he is distinguished for his clearness of perception, quick insight into the merits of a case, force of argument, and for his logical power in presenting cases to a jury. At Yorktown, Va., in 1861, in the well-known mutiny case against the Emmett Guards of Richmond, in which forty-nine men were tried before a military court, he defended the prisoners, and succeeded in securing their acquittal. He was engaged for the defence in above five hundred of the Ku-Klux cases, and notwithstanding packed juries and a prejudiced court, secured the acquittal of all but four. He has been engaged

for the defence in no less than twenty-five cases of murder, and never had a client executed. In the case of the United States *vs.* Tolar and others, in September, 1867, for the shooting of a negro, Archibald Beebee, charged with a criminal assault on a white woman, Colonel Fuller appeared for the defence. Great interest was manifested in the case, which lasted sixty days, and the prosecution, for which E. Graham Haywood was specially retained, took extraordinary pains in the excited state of public feeling at that time existing between the races, to secure the conviction of the prisoners, who were convicted, but the sentence afterwards commuted. His great command of language, ready wit and wonderful store of anecdote make him one of the best stump-speakers in the State, and though never seeking office for himself, he has always taken an active part in every campaign, and rendered signal service to the Democratic party in the last canvass, when they succeeded, for the first time since the war, in gaining complete control of the State. Genial, kind and straightforward, he possesses that nameless, magnetic power which attracts every one towards him, and his personal influence has made him an immense favorite with all. He tells a good story with *gusto*, and is as popular in social life as he is at the bar.

He married, in October, 1857, Miss Caroline D. Whitehead, daughter of Williamson Whitehead, merchant, of Fayetteville, and has six children; his eldest son, Williamson Fuller, being now a student at the University of Virginia.

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HON. J. A. ENGELHARD.

NORTH CAROLINA.

**J**OSEPH ADOLPHUS ENGELHARD, Secretary of State of North Carolina, 1877-1880, was born in Monticello, Miss., and is the only son of Edward Engelhard, at that date a prominent merchant of that town, and subsequently of Jackson, the capital of the State.

His very early education was received at the

schools in his native town. At the age of ten, partly on account of his health, he accompanied his maternal uncle, Wilson Benson, who was a student at the theological seminary, to New Albany, Ind., where he remained for a good portion of the time an inmate of the family of the Rev. James Wood, for nearly six years.

In 1848 he was sent to the Hopkins Grammar School, New Haven, Conn., in order to prepare for Yale College. His father dying in May of that year, he soon afterwards returned home, then at Jackson, and prepared for college there. In August, 1850, he entered the Freshman Class at the University of North Carolina, and graduated with distinction in June, 1854.

He entered the Law Department at Harvard, Cambridge, Mass., early in the fall of that year, and remained until the following spring, when he left in consequence of the increasing unpleasant relations between the North and South in regard to the slavery question, and more especially on account of a decision rendered by one of the Professors of the Law School, who was the United States Judge for the District. He resumed the study of law at the University of North Carolina under Hon. W. H. Battle, then a Justice of the Supreme Court, and Hon. S. F. Phillips, at present Solicitor-General of the United States. Having obtained county court license in 1856, he continued his legal studies under Daniel G. Fowle, subsequently Judge of the Superior Court, then and now a leading member of the Raleigh bar. He was admitted to the practice of law in 1857.

Beginning the practice of law in Tarboro, N. C., in 1857, he attained a fine practice, and soon acquired a good rank in his profession, to which he devoted his whole time until the breaking out of the war between the States in May, 1861, when, like most young men of his age, he volunteered his services to his State. A member of the "Edgecombe Guards," he was ordered to Beaufort Harbor, and belonged to the original garrison of Fort Macon. His company was soon afterwards moved to Raleigh, and became a portion of the First North Carolina (Bethel) Regiment.

Mr. Engelhard was transferred to the staff of Colonel L. O'B. Branch, Thirty-third North Carolina State Troops, and served on his staff—first as Captain and then as Major and Assistant-Quartermaster—until the battle of Sharpsburg (Antietam), September, 1862, where his brave commander, shot through the head, fell and died in the arms of his favorite staff-officer. He then resigned his commission as Major and Assistant-Quartermaster, and accepted the position of Captain and Assistant-Adjutant-General on the staff of Brigadier-General W. D. Pender. In that capacity, and as Major, he served upon General Pender's staff in all the battles in which General Lee's army was engaged until General Pender, who had been promoted to the command of a division, died from wounds received at the battle of Gettysburg in July, 1863. Major-General C. M. Wilcox succeeded to the command of Pender's division, and Major Engelhard remained upon his staff until the surrender at Appomattox. He was twice wounded: at Chancellorsville in the right arm, and at Reem's Station, near Petersburg, in the side.

In the fall of 1865 he was elected Secretary of the North Carolina Senate, and was re-elected in the fall of 1866.

In December, 1865, he purchased one-half interest in the *Wilmington Journal*, and became the chief editor of that paper, in which capacity he remained until the spring of 1876, when he received the Democratic nomination for Secretary of State upon the ticket headed by Hon. Z. B. Vance for Governor.

In 1872 he was a delegate from the State at large to the National Democratic Convention held in Baltimore.

He began his canvass for Secretary of State on the 4th of July, 1876, and closed it on the 4th of November, speaking almost every day during that time. At the election, held on the 7th of November, he had the honor to lead his ticket, receiving 124,010 votes, being the largest vote ever given to any person in North Carolina, and defeating his opponent by some fifteen thousand majority.

Entering upon the discharge of his duties on

the 1st of January, 1877, Major Engelhard has proved himself worthy of the confidence reposed in him by the people.

Major Engelhard married in Raleigh, September 26th, 1855, Margaret Eliza, eldest daughter of John W. Cotten, formerly of Tallahassee, Fla.

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#### HON. A. G. MAGRATH.

##### SOUTH CAROLINA.

**A**NDREW GORDON MAGRATH was born in Charleston, S. C., February 8th, 1813. He is of Irish descent, his father having been engaged in the Irish rebellion of 1798, for which he was arrested; but escaping, fled for his life to this country, and, having engaged in business as a merchant in the city of Charleston, died at an advanced age. The early education of the subject of this sketch was received at Bishop England's school, where he remained until 1829, when he entered the South Carolina College, and graduated thence with high honors in 1831; the Rev. Dr. James H. Thornwell, the distinguished Presbyterian divine, being a classmate of his. He studied law under the well-known lawyer, James L. Petigru, and in 1834 entered the Law School at Harvard University, graduating under the direction of Judge Story. Admitted to the bar in 1835, he at once commenced the practice of his profession in Charleston under the most favorable auspices. He was elected to the State Legislature as member for Charleston in 1840 and re-elected in 1842, and, at the expiration of that term, withdrew from active political life and devoted all his energies to his profession. In 1850, when separate State action was urged by a large party in the State, he was conspicuous among those who opposed and defeated it. In the convention of the people of the State called for the consideration of that question, he was elected and sat as a member from Charleston. In the discussion of the exciting political questions of the day he contributed many articles to the press in opposition to squatter sovereignty in the Territories,



Your truly  
A. G. Magrath





and the rights of the slave-holding States in newly-acquired territory of the United States. In the Presidential contest between Taylor and Cass, he sided with the portion of the Democratic party in the State which supported Zachary Taylor. In 1856 he was elected a delegate to represent the State at large in the Democratic Convention at Cincinnati for the nomination of a candidate for the Presidency, but, before the meeting of the convention, was appointed, in April of that year, by President Pierce, District Judge of the State of South Carolina, and thereupon resigned his place in the Convention. At the time of his promotion to the Bench he was in the enjoyment of a very lucrative practice in his profession, and during his tenure of this judicial office raised by his efforts the United States Courts in the State of South Carolina to a position of high distinction. He continued on the Bench until November, 1860, when the election of Abraham Lincoln produced everywhere in the slave-holding States the greatest excitement. Judge Magrath, yielding to his sense of the obligation due to his State, and recognizing its rights in the great contingency which had been thus brought about, immediately sent in his resignation to President Buchanan on November 7th of that year. In his letter of resignation to the President, he writes: "Should that conflict arise, I would not hesitate in my conduct. I shall devote my best energies to sustain the State of South Carolina in whatever position she may resolve to occupy in this crisis. The execution of my purpose in this respect might be productive of some embarrassment to you, if you were not aware of it until the emergency arose. In anticipation, therefore, of that occasion, I resign now into your hands my commission as Judge of the United States for the State of South Carolina."

At the opening of the court Judge Magrath delivered the final decree in a case then pending, and inquired of the grand jury if they had any presentments to make. In reply the foreman, R. N. Gourdin, an eminent merchant in Charleston, said: "The verdict of the Northern section of the country announced to the country through the ballot-box has swept away the last

hope for the permanence and stability of the Federal government; the vast and solemn issues which have been forced upon us involve the existence of the government. In these extraordinary circumstances the Grand Jury respectfully decline to proceed with their presentments;" thereupon the Judge addressed them as follows: "The business of the term has been disposed of, and, under ordinary circumstances, it would be my duty to dismiss you. In the political history of the United States an event has happened of ominous import to the fifteen slave-holding States. The State of which we are citizens has been always understood to have deliberately fixed its purpose whenever that event should happen. Feeling an assurance of what will be the action of the State, I consider it my duty to prepare to obey its wishes. That preparation is made by the resignation of the office I have held. For the last time I have, as a Judge of the United States, administered the laws of the United States within the limits of South Carolina. While thus acting in obedience to a sense of duty, I cannot be indifferent to the emotions it must produce. That department of the government which I believe has maintained its integrity and preserved its purity has been suspended. So far as I am concerned, the temple of justice raised under the Constitution of the United States is now closed. If it shall never again be opened, I thank God that its doors have been closed before its altar has been desecrated with sacrifices to tyranny. We are about to sever our relations with others because they have broken their covenant with us. Let us not break the covenant we have made with each other." The manner and the act were equally impressive and affecting as Judge Magrath divested himself of the judicial robe, which he had worn with acceptance, fidelity, and honor, to claim the independent position and privileges of a citizen of South Carolina. Eloquent addresses were made to the bench by the officers of the court and the members of the bar, and a cordial tribute borne to the uniform courtesy, promptitude, and strict impartiality which had distinguished Judge Magrath's judicial career.

In the evening a meeting of the most influential men of the city was held at the Charleston Hotel, and from thence a procession of fully two thousand people, accompanied by a band of music, marched to his private residence, and, in response to enthusiastic cheering, were addressed by the Judge. The news of this resignation, which was followed by other United States officers, was received with acclamations throughout the State and in Georgia, and salutes and illuminations everywhere testified the hearty approval with which his course was viewed. None of the vacated offices were filled by the United States government. A feeling of the most intense excitement prevailed among all classes. An immense gathering of the people took place at the Institute Hall, and Judge Magrath, the Hon. W. F. Colcock, and James Conner, who had filled the place of District-Attorney of the United States and had resigned his place, subsequently to achieve a reputation so enviable in the army of the Confederate States, and afterwards in the councils of the State, were appointed to go to Columbia and represent the feelings and opinions of the people of Charleston.

The resignation of Judge Magrath was then and will ever be regarded as prominent among those events which determined the relation of the State to the government of the United States, and was the first overt act and irrevocable step to its secession from the Union. Immediately after his resignation he was elected by a large majority at the head of the ticket as delegate to the convention which passed the ordinance of secession, and while still a member of that body was selected by Governor Pickens as a leading member of his cabinet. As soon as the Confederate government was established he was appointed one of the Judges of the Confederate States for South Carolina. In the exercise of the duties of his office he was called upon to decide many questions of public law, among which was that of the right of the government of the Confederate States to confiscate the property of its alien enemies; decisions of prize law with reference to belligerent vessels bearing

commissions of the Confederate States, and other important questions. He retained this office until November, 1864, when, at the meeting of the Legislature of that year, he was elected Governor of South Carolina.

Governor Magrath was inaugurated on the 20th of December, 1864; the oath of office was administered by the Hon. W. D. Porter, then President of the Senate. The newspapers of the day refer to it as a "gala-day. . . . Sherman was ignored, and a sense of temporary oblivion of the wasting army he commands and of the horrible deeds they perpetrate, indulged in almost universally. . . . From an early hour throngs of the fair sex poured into the State House by all the avenues of the city. The new Governor was to be inaugurated." The inaugural address of Governor Magrath was a calm and eloquent vindication of his State, and an appeal to the people to be firm and undismayed amid the reverses which had come upon them. The extract taken from the *Guardian*, published in Columbia, will indicate the style and temper of the address: "In those great springs of human conduct which give impulse to a people and sustain in them an unconquerable will, we have found, and will find while we preserve them, the means by which the courage of our armies is supported and the endurance of our people is maintained. At no time, nor under any circumstances should we lose sight of the great causes which provoked this war, nor should the ends we proposed to secure appear to our people forgotten or abandoned. If it should be that because of the war the great principles of civil liberty are given up, then are those principles but an empty sound. The freedom which cannot be tolerated in war has no real existence in peace. With us these great principles of civil liberty are set forth in our Constitution. In that of the Confederate government they are taken from those great charters which centuries ago defined the limits beyond which the power of government should not invade the rights of the citizen. They have come down to us with the authority which centuries of experience have given to the wisdom

which marks them—the necessity which always exists for their observance. With us they are for the purposes of our enjoyment, secured by laws which sustain our rights by preventing an invasion of them. Let these laws be always in force, let them have free course and be felt by all. In the history of this war no page will be more instructive than that which tells how, amid the din of arms, the authority of the law kept on its even course, and preserved amid the violence of revolution the great economy of our system in maintaining order and securing right. If the citizen is recreant to his duty, let the law enforce it; if the citizen is affected in his rights, let the law defend him. It has the power to compel the performance of public duty; it has the power to vindicate the sanctity of private right. To those institutions which are fixed, to that government which has stability in its operations, will the affections and confidence of those be given who live under the influence of one or obey the commands of the other. The strength which is born of the fury of revolutionary rule, terrible as is the energy of its spasm, yields to the steady influence of that power which is wielded by a government to which tradition brings the authority of the established consent of those who are governed. And no circumstance has more contributed to the success of that movement which is known as the secession of these States, than that each State possessed within itself an established and organized government under the influence of which right was maintained and wrong redressed. It was thus that one of the most remarkable instances in all history of a change in the political government of this people was accomplished without the slightest disturbance of their social condition, and without the slightest exhibition of license or tendency to anarchy." During his tenure of the gubernatorial office the State passed through a period of the greatest and most fearful depression it has ever experienced. The treasury bankrupt, the State invaded, the people impoverished and discouraged; helpless in the present—hopeless in the future. Prior to Sherman's occupation of Columbia all the State archives possible were removed and the remainder destroyed. Governor Magrath, leaving the capital the same morning that it was occupied by the Federal troops, returned to it to find the "Garden City" a heap of smouldering ruins. At the fall of the Confederacy in April, 1865, he was arrested by order of the government of the United States and confined at Fort Pulaski. Knowing that his arrest was ordered and conscious of the hopelessness of the contest, Governor Magrath, on the 22d of May, 1865, to the people of South Carolina, published his last official communication. After referring to the orders which charge him with disloyalty to the United States, having committed sundry and divers acts of treason against the same, and forbidding obedience to him as the Governor of the State, he says: "I cannot, under all the circumstances which surround you, expose you to the consequences which will be produced because of any effort on my part—fruitless, if not mischievous, as it must be—to exercise those functions which you in your confidence have committed to me. Nor am I willing that without such consequences to you, while in the executive chair of the State, I shall be held forth to the world charged with crime, without the most positive declaration that I am ready to meet and repel it wherever and by whomsoever made. In that peculiar condition of our affairs, which is now disclosed to you, I feel that my duty, whether considered in regard to myself as your executive or to you as a people whose welfare is dear to me, is at once plain and imperative. I will not introduce within this State discord or contention. I will not allow myself to furnish the occasion by which a single atom of suffering can be added to that load which now weighs so heavily upon you. I will not give opportunity for conflict between the government of the State and the government of the United States. The functions, therefore, of the executive are suspended by me from this day." . . . "Whatever, therefore, may be the feeling which belongs to me as a man or a citizen, in a case like this where conviction precedes the hearing and sentence comes before trial, I feel that it becomes

me to be mindful of the considerations which involve your peace and affect your welfare. I have said to you before, I say to you now, the war is over; hostilities have ceased, and it is your duty to forbear opposition which is hopeless—contest which is unavailing—and reconcile to yourselves that submission which the government of the United States can impose and you cannot resist.” . . . “In thus suspending the active exercise of the duties of my office, I do so with the most earnest wish that your sufferings may soon find mitigation and relief, that you may retrieve the waste and loss of property which you have endured in the progress of the war, and that you may experience those blessings, intellectual, social, and moral, which under the favor of God were the great ends which I desired to accomplish. To have succeeded in these would have secured to me a reward the richest and only inheritance which I could have left to my children. With regard to myself, so far as I am affected by the charges which are made against me, I am ready to answer to them or to any of them. At any time or place, when or where my presence may be desired or required for investigation, I shall be there, if notified thereof, with the least possible delay. Whatever I have said I believed to be true; whatever I have done I believed to be right. And with this consciousness of the rectitude of my purpose, and of the integrity of my conduct, I shall not avoid, delay, or hinder the closest scrutiny that can be devised.”

His companions in imprisonment were Judge Campbell, formerly of the Supreme Court, Hon. R. M. T. Hunter, Hon. D. L. Yulee, Governor Allison, of Florida, Governor Clark, of Mississippi, Hon. George A. Trenholm, and General Mercer, of Georgia. The State Convention which met in September, 1865, under the direction of President Johnson, made a strong appeal to the President for his release, but it was not until the latter end of December of that year that he was liberated on his parole. Released from imprisonment he returned to the city of Charleston, where he resumed the practice of the law and soon re-established himself in a suc-

cessful and lucrative practice. Among those excepted from the right to hold office, his disabilities not removed, he has not taken any active part in politics, but his opinions have not been withheld and they have constantly inculcated the wisdom of that liberal and conservative temper which has recently been adopted, and the happy results of which are now so much felt and widely acknowledged. From the very commencement of his career Judge Magrath commanded a high position and large practice at the bar, and few men of his age have attained to such distinguished professional eminence. There has been scarcely an important case while he was at the bar, during the last thirty years, in which he has not taken a prominent part. When elevated to the Bench the United States Court in South Carolina was in great disfavor; but little business was transacted in it, parties resorting almost exclusively to the State courts: His ability and close attention to the duties of his office at once commanded the entire confidence of the Bar; and in consequence of it the business rapidly increased to large proportions and continued to increase during his occupation of the Bench. It is somewhat remarkable that from the adoption of the Constitution of the United States to the time when Judge Magrath was appointed to the Bench, no term of the United States Court had ever been held in the Western District of the State. Within a few months after his appointment, Judge Magrath opened the court at Greenville with the power of a Circuit as well as a District Court; and the terms of that court have since been regularly held. While no one is more liked by his cotemporaries, Judge Magrath is exceedingly popular with the younger members of the profession, conferring with, counselling and aiding them with his experience and advice. To an acute judicial mind, with cultivated tastes and courteous manners, he adds a calmness of temper and composure that is never overthrown by any disturbing cause. Not acting under mere impulse or excitement he considers every question carefully and dispassionately, and, as has been said of him, with the ripe experience of “a

consummate judge." His genial social qualities have endeared him to a host of friends, while his great public services have won for him the warm respect and confidence of the people of his native State.

REV. W. M. WINGATE, D. D.

NORTH CAROLINA.

**OF** the ministers of North Carolina, one of the most useful and distinguished is the excellent gentleman whose name heads this article. Though nearly all of his professional life has been spent in this State, Dr. Wingate is a native of Darlington, S. C., where, for several generations, his family has been one of wealth, character, and social position. He was born March 22d, 1828, and is therefore now fifty years of age. He made a profession of faith in Christ at an early age, and united with the Baptist Church of the village of his birth in his thirteenth year.

He was graduated from Wake Forest College, North Carolina, in 1849; attended the Furman Theological Institute, of Greenville, S. C., for two years, not quite completing the full course of instruction, and returning to North Carolina in January, 1853, became the agent for the endowment of his *Alma Mater*, in which position he labored with much success till June, 1854, when he was called to the Professorship of Mental and Moral Science, and made President *pro tempore* of the institution. Two years afterwards he was made President of the college in full, and this position of honor and responsibility, to which he was called so early in life, he has now filled for twenty-five years.

As it is the object of this work to present, as far as practicable, the institutions of the South, as well as its representative men, we will give a brief sketch of the college with which Dr. Wingate has been so long identified, before attempting a delineation of his character.

In 1832 the Baptist Convention of North Carolina, then less than two years old, met at Rives Chapel, in Chatham county, and *unanimously* adopted the following resolution:

"That the convention deem it expedient to purchase a suitable farm, and to adopt other preliminary measures for the establishment of a Baptist Literary Institution in this State on the manual labor principle."

Under this resolution the farm of Dr. Calvin Jones, in Wake county, sixteen miles north of the city of Raleigh, and containing six hundred acres, was bought for \$2,000, and *Wake Forest Manual Labor Institute* was originated. The Rev. Samuel Wait, D. D., was elected principal, and the school was opened February, 1834, with sixteen students, which number was increased to sixty-five by the end of the session.

The farm was cultivated in the afternoon, and at first two propositions were claimed as settled: "First, that students will labor; and second, their labor can be turned to advantage." An overseer was appointed with the title of "Tutor of Husbandry;" boys under twelve years of age received two cents an hour, and those over twelve, three cents. But when settlements were made, at the end of the session, so many deductions were included for sickness and absence that parents were disappointed, and the manual labor system was soon voted a failure and abolished. In 1838 a large college building was completed, the cost of which remained unpaid for many years, and came very near destroying the institution.

Dr. Samuel Wait presided over the college for a dozen years; he was succeeded by Rev. William Hooper, D. D., LL. D., a man of great learning and purity of character, and a great-grandson of that William Hooper who signed the Declaration of Independence.

Dr. Hooper, after an administration of but two years, was succeeded by the Rev. G. B. White, and he, in turn, by the subject of this sketch, as stated above, in 1854. Operations were suspended and the college building was occupied as a hospital during the war, but in 1867 work was resumed. Unfortunately the endowment of Wake Forest College, like that of nearly all Southern institutions, amounting to between eighty and a hundred thousand dollars, was invested in Confederate securities, and wrecked

with the "Lost Cause." It has now about forty thousand dollars of invested endowment, with the prospect of a gradual but constant increase to its permanent fund. A new and handsome building for society halls and lecture-rooms is in process of erection, the gift of two generous citizens of Raleigh, J. M. Heck and J. G. Williams, and a third building for a chapel will probably be erected during the next year. The Rev. J. S. Purifry raised ten thousand dollars among the Baptists of the North for this institution in 1876 and 1877.

Though beginning its existence with a debt, rather than an endowment, and always crippled in its operations by want of funds, this college has an honorable record, having educated a hundred ministers of the gospel, besides many of other professions. It has always maintained a very high character for the morality of its students, *only one and a-half per cent. of the young men educated there having been failures in life*, a record which is scarcely paralleled by any college in the land. Judge John Kerr, a distinguished jurist of North Carolina, recently said that "it had done more to Christianize the State than any college in it."

But to return to the President: In person Dr. Wingate is tall and spare; his complexion is dark, as are also his hair and eyes; he is gentle and slow of manner, and slow of speech, both in conversation and in the pulpit. His voice is an excellent one, deep and full in tone, though not specially strong. In speaking he is usually calm and deliberate, but when aroused his manner is stirring and animated in a high degree. He greatly excels as an expository preacher, and his discourses are always rich in thought and spiritual experience. He is very unequal in his pulpit efforts, rarely doing himself justice on special occasions, by reason of his great modesty; but, as Mr. J. H. Mills recently said, in the *South Atlantic Monthly*, "when fully aroused, he has no peer in our State." The mental attributes of Dr. Wingate are of a high order. He is a vigorous and original thinker, and his powers of analysis are unusually fine; hence in the departments of intellectual and moral philos-

ophy, his chosen fields of study, he is an admirable instructor.

The supreme excellence of the man, however, is found in his moral qualities. His nature is kindness itself. Simple-hearted as a little child, the gentleness of his disposition and the sweet sincerity of his piety render him the object of universal esteem and affection. If he has an enemy in the world, we do not know it, for there is about him as little of original sin and actual transgression as any one we have ever seen. He married Miss Mary Webb, of North Carolina, and has seven children, two sons and five daughters. [Since deceased.]

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### GENERAL J. E. JOHNSTON.

VIRGINIA.

**J**OSEPH ECCLESTON JOHNSTON was born in Prince Edward county, Va. He is a son of Peter Johnston, a lieutenant in the army of the Revolution, and afterwards a distinguished legislator and judge, and Mary Wood, daughter of Valentine Wood, a rich planter in Goochland county, and Lucy Henry, sister of Patrick Henry, the patriot. His grandfather, Peter Johnston, emigrated from Scotland between 1725 and 1730, and established himself on a plantation in Virginia.

He entered the United States Military Academy at West Point in 1825, graduating in 1829, when he was appointed Second Lieutenant in the Fourth Artillery, becoming First Lieutenant July 31st, 1836; and, resigning May 31st, 1837, was appointed First Lieutenant of Topographical Engineers July 7th, 1838. Meanwhile the Seminole war had broken out and drawn him into it, where he so bore himself that, on the suspension of hostilities, he was brevetted Captain for gallantry in the field—the field in this case meaning swamps and hummocks. In 1843 he served on the survey of the boundary line between the United States and the British North American Provinces, and from 1844 to 1846 on the Coast Survey. In September of the latter year he was

made Captain of Topographical Engineers, in which capacity he entered the Mexican war, serving under General Scott in all the important engagements, being severely wounded while reconnoitring at Cerro Gordo, and again in attacking the city of Mexico, and successively brevetted Major, Lieutenant-Colonel, and Colonel, besides having been made Lieutenant-Colonel of Voltigeurs, one of the temporary regiments added to the army for that war. On the disbanding of the voltigeurs, August 28th, 1848, he was reinstated, by act of Congress, as Captain of Topographical Engineers, and again brevetted Lieutenant-Colonel. From 1853 to 1855 he was in charge of the Western River Improvements, a field of duty calling for the highest scientific abilities, united with the soundest practical sense, and which he occupied to the satisfaction of the government and with distinguished credit to himself. In the spring of 1855, four regiments having been added to the army, two of cavalry and two of infantry, he was made Lieutenant-Colonel of the First Cavalry. In 1858 he was Acting Inspector-General in the Utah Expedition, and in June, 1860, became Quartermaster-General, with the grade of Brigadier-General, a position which he filled at the outbreak of the civil war.

On the 17th of April, 1861, Virginia passed her ordinance of secession; and, holding that both duty and honor required him to attend the fortunes of his native State, whatever they might be, he resigned his commission in the United States army, April 22d, 1861, and tendered his services to the Confederate authorities, by whom he was immediately appointed a Brigadier-General, being the second on the list of Confederate officers of that rank. He commanded the force which occupied Harper's Ferry, in May, 1861, and which was opposed to the Federal General Patterson, in that vicinity, through May, June, and part of July. Evading General Patterson, he arrived on the field of Bull Run just before the battle, and, outranking General Beauregard, took command during the conflict, though without changing the plan of battle which the latter had formed. He subsequently commanded at

Yorktown and before Richmond. At the battle of Seven Pines, May 31st, 1862, pronounced by the Prince de Joinville "a type of American battles," he was severely wounded, and rendered unfit for active military service until the 12th of the following November, when he reported for duty, and was assigned to the command of the Departments of Tennessee and Mississippi. Finding that it would be impracticable to command two armies, so far apart and having different objects in view, he so represented it to President Davis, but was overruled. On the 9th of May, 1863, however, during General Grant's campaign against Vicksburg, he was directed to take chief command of the forces in Mississippi, the previous orders of the administration having required his presence wholly in Tennessee. He attempted, though with a totally inadequate force, to relieve General Pemberton, in Vicksburg, but without success, it not being within human power to command success, at least under such circumstances. Vicksburg having surrendered, the army fell back to Jackson, which was evacuated on the 16th of July, on the 22d of which he was relieved of the command of the Department of Tennessee. About the end of July he received from President Davis a letter commenting very harshly on much of his military conduct since the previous December, to which he returned an exhaustive vindication of his movements. On the 18th of December, 1863, after General Bragg's defeat at Chattanooga, he was ordered to assume the command of the Army of Tennessee, occupying a position at Dalton, Ga., which he was compelled to abandon, in consequence of the march of the Federal army, under General Sherman, towards Resaca, and fell back successively to Resaca, Allatoona Pass, Kenesaw Mountain and Atlanta, fighting and flanked by turns, but always retiring before greatly superior forces, conducting his retreat in such masterly style that it may be said to stand out from the record of the war almost as prominently as the retreat of the ten thousand from that of the expedition of Cyrus. General Hooker, who was in the Federal army opposed to him, says of this re-

treat, in a letter to General M. Lovell, October 21st, 1873:

"Our vast superiority in numbers enabled us to divide our army and turn all his positions without risk. General Johnston, however, as he abandoned his intrenched positions, conducted his retreat, in my judgment, in a prudent and consummate manner, both in strategy and tactics. All his positions chosen for making a stand were selected with the utmost sagacity and skill, and his defences were thrown up and strengthened with the exercise of marvellous ingenuity and judgment. Considering that Johnston's army was on the retreat, I think it remarkable that we found no deserters, no stragglers, no muskets or knapsacks, and no material of war. In fact, it was the cleanest and best-conducted retreat, as was remarked by every one, that we had ever seen or read of. After having given the subject a good deal of reflection, I unhesitatingly state, as my conviction, that this retreat was the most prominent feature of the war, and, in my judgment, reflects the highest credit upon its author."

It should be added that the Federal loss in killed and wounded must have been six times as great as that of the Confederates. Nevertheless, failing to satisfy the expectations of the authorities at Richmond in arresting the advance of the Federal army, he was, July 17th, 1864, ordered to turn over the command of the army to General Hood. On hearing of this change of commanders, General Sherman, who presumably knew what he was talking about, declared, exultingly, according to the Federal General McCook: "Heretofore the fighting has been as Johnston pleased, but hereafter it will be as I please." After his removal from command he took up his residence in Macon, Ga.; but on the 23d of February, 1865, General Sherman having marched from Atlanta to Savannah, and thence into South Carolina, he was directed to assume the command of the Army of Tennessee, with all troops in the Department of South Carolina, Georgia and Florida, and to "concentrate all available forces and drive back Sherman." Although the force at his disposal was utterly

insufficient to check the march of Sherman's army, he fought a part of it at Bentonville, N. C., March 18th, soon after which he received intelligence of General Lee's surrender of the Army of Northern Virginia, and on the 20th of April surrendered his forces to General Sherman, at Durham's Station, near Greensboro, North Carolina.

Since the war he has been actively employed in the industrial reconstruction of the South, especially in connection with agricultural, commercial and railroad enterprises, though he has found time, or seized it, to prepare a comprehensive history of his military operations in the South, entitled, "Narrative of Military Operations directed during the Late War between the States," and published in 1874. For a number of years after the war he resided at Selma, Ala., and Savannah, Ga., but he subsequently took up his residence in Richmond, Va., where he engaged in the insurance business.

In the fall of 1878 General Johnston was elected to Congress from the Third Congressional District of Virginia.

He married, in 1845, Lydia Milligan, third daughter of Louis McLane, of Delaware, a Representative in Congress, and later a Senator from that State, and in 1829 Minister to England under President Jackson, in whose Cabinet he afterwards sat successively as Secretary of the Treasury and Secretary of State, and in 1845 was Ambassador to England, charged with the settlement of the Oregon question.

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## EX-GOVERNOR FOOTE.

### LOUISIANA.

**H**ENRY STUART FOOTE, the subject of this article, was born, in the year 1804, in Fauquier county, Virginia. He was educated partly in a private school near his birthplace, and spent several years subsequently at Georgetown College, D. C., and at Washington College, now known as the Washington Lee University. He did not take



a degree at either institution. He is understood to have devoted himself, in after years, to the study of the languages and general science with much assiduity and with marked success.

At the age of nineteen he obtained licence to practise law, and has been engaged in the exercise of his profession, with several short intermissions, for more than fifty-five years. At the age of twenty-one he sold his patrimonial property in Virginia, and removed to Tuscumbia, in the State of Alabama.

Here he married and resided for five years, having acquired considerable reputation both as a lawyer and as the editor of a spirited and ably conducted newspaper.

In January, 1831, he removed to Vicksburg, in the State of Mississippi, and resided there between two and three years, when he was driven with his family into the interior of the State by the breaking out of cholera. He then became a resident of Hinds county, and for many years enjoyed a large and lucrative practice as a lawyer, ranking very high, both as a jurist and advocate. In the year 1839 he became a member of the State Legislature, in which body he served for only a single session, and acquired some celebrity by procuring the passage of a very stringent anti-liquor law. He had previously accepted for a short period, at the hands of President Jackson, the office of "Surveyor-General of Public Lands, South of Tennessee." This office not being suited to his taste, he resigned it, and soon became again actively enlisted in professional pursuits. In 1839-40 he located in New Orleans, as the partner of Seth Barton, an eminent attorney in that city; but was in a short time persuaded by his friends to return to Mississippi, with a view to enlisting in politics. He was a year or two after elected to the United States Senate over Governor McNutt, and several distinguished candidates besides.

He served in the Senate with much honor, and ranked high as a great man among the great men of that day, but in about four years voluntarily resigned this position, in order to run as a Union candidate for the office of Governor. In this canvass he had two opponents of seces-

sion proclivities; the first of whom, Governor Quitman, getting tired of the contest, disappeared from the field, which was soon occupied by the distinguished statesman, Hon. Jefferson Davis, who, in spite of his military popularity, was defeated.

General Foote then served in the office of Governor, and when near the end of his official term, he resigned this position and removed to California. In his valedictory message to the Legislature, Governor Foote based his resignation upon the fact that the people of Mississippi had just discredited themselves by repudiating what was known as the "Planters' Bank bonds." He then removed to California, where for four years he was greatly distinguished both in his profession and politically. Having lost his first wife in California, he married a second time in Nashville, Tennessee. Here he exercised his profession successfully for two years, his national reputation always bringing him into the front rank among the greatest men of the times; about this time the civil war having commenced, though he was well known to be a Union man, he was twice elected to the Confederate Congress, in which body for nearly four years he became distinguished as a warm and inflexible opponent of Mr. Davis, his former antagonist, on the Union question and his policy.

In 1865 Governor Foote visited Europe, and did not long sojourn there, but returned to his home in Tennessee.

His whole course since the termination of the Confederate struggle has been marked with moderation and a profound regard for the Constitution and laws of the Union. He was one of the Presidential Electoral candidates for Tennessee in 1876 on the Republican ticket.

He has for the last six months occupied the position of Superintendent of the United States Mint in New Orleans, and has in this position given universal satisfaction. As a cultured gentleman of a high order, distinguished for his profound legal abilities, and a broad grasp of thought, and full of noble, generous impulses, he not only adorned but magnified the positions which he filled. Mr. Foote is the author of

several works which have been read with pleasure and instruction by thousands. The first of these, written in 1840, was entitled, "Texas and the Texans," written at the urgent request of President Lamar and the members of his Cabinet.

In 1866 he published a highly interesting volume upon the civil war, just then terminated.

He is also the author of "Casket of Reminiscences," and a fourth work, "The Bench and Bar of the Southwest."

The career of Mr. Foote has been a stormy but romantic one, and in the early part of it he is known to have fought four duels—all more or less connected with political animosities.

A peculiar characteristic that frequently arrayed him in antagonism to men and measures was a directness of purpose, discarding all subtuges and doubtful policies, aiming in his judgment at the right end, and employing the right means, believing "that honesty was the best policy;" it was this marked trait of character that caused him to be misrepresented by his opponents, and in a great measure misunderstood by the public.

Had Governor Foote pursued the rôle of a shrewd politician, adopted measures and means usually employed by our so-called statesmen, sought to win public favor by masking the true and honest purposes of his great mind, and catering to popular whims and currents as they set in this or that direction, he might have occupied the Presidential chair, and been crowned with the highest honors in the gift of American citizens.

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#### DR. G. A. KETCHUM.

##### ALABAMA.

**G**EORGE AUGUSTUS KETCHUM was born April 6th, 1825, at Augusta, Ga. The Ketchum family is of Welsh descent, the name having been originally spelt Chatham, and they are descended in direct line from the distinguished British statesman, the Earl of Chatham. The ancestors of the American branch of the family settled originally in New Brunswick, and many of that

name are now to be found in Nova Scotia. Ralph Ketchum, the father of the subject of this sketch, was a cotton merchant of Augusta, Ga., and in 1835 removed to Mobile, Ala.; he married Christiana Colden Griffiths, daughter of an English officer, whose family was related to the Coldens, of New York, and the Cadwalladers, of Pennsylvania. He had five sons, of whom Richard Colden Ketchum was a distinguished Presbyterian minister of Atlanta, Ga., and married a daughter of Judge Longstreet, of Augusta, Ga., the well-known author of "Georgia Scenes." Major William H. Ketchum commanded a battery of artillery in the Confederate service, and is now a cotton merchant in Mobile. Colonel Charles T. Ketchum was Colonel of the Thirty-Eighth Alabama Infantry and died about three years ago; and Captain John R. Ketchum was killed at Atlanta in the first battle fought under General Hood after the removal of General J. E. Johnston. George A. Ketchum received his early education under the preceptorship of A. S. Vigus and afterwards of D. F. Merrill, both teachers of considerable distinction, and was prepared for college by A. A. Kimball, a private tutor. He was about to enter Princeton College as a sophomore when his father's failure in business obliged him to alter his plans. Mr. Kimball, his tutor, who was the principal of a female seminary at Livingston, Sumter county, Ala., took great interest in the welfare of his pupil, and offered him, although then but sixteen years of age, the position of assistant teacher in his academy, which, under the circumstances, he accepted. He read medicine under Dr. F. A. Ross, of Mobile, and entered the City Hospital as interne or resident medical student, occupying that position for about two years. In 1843, during his residence at the hospital, a severe epidemic of yellow fever prevailed in Mobile, and he had almost the sole charge of the patients, as the visiting physicians were chiefly engaged in outside practice. He was thus at a very early period of his career brought in contact with this scourge which he subsequently achieved such unusual success in treating. - His first course of medical lectures

were taken at the Medical College of South Carolina, Charleston, S. C., at the session 1844-45, and in the spring of 1845 he went to Philadelphia, where he became interne at the Blockley Almshouse for about four months. He subsequently resided with Dr. W. W. Gerhard, a distinguished physician, and author of several able treatises. He attended a course of lectures at the University of Pennsylvania, and was graduated thence M. D. in the spring of 1846. Among his cotemporaries at the University were Dr. Edward Shippen, afterwards a surgeon in the United States navy; Professor Brickell, of New Orleans; Dr. E. P. Gaines, of Mobile; and Dr. Easton Young, of Savannah. Dr. Ketchum commenced the practice of his profession in Mobile, in May, 1846, and at once stepped into a large practice. He became a member of the Mobile Medical Society in the same year, and was also elected Physician to the Samaritan Society, a charitable institution for the relief of the indigent sick poor. During the yellow fever epidemics of 1847 and 1848, he was the first physician to administer large doses of quinine in the earlier stages of the disease, and the marked success which followed his mode of treatment in the subsequent epidemics of 1853, 1858, 1867, 1870, 1873 and 1878, in Mobile, has caused it to be almost universally adopted as the general practice of the profession in yellow fever, in the South.

In 1848 he was elected Physician to the City Hospital of Mobile, and in the same year, in conjunction with Dr. J. C. Nott, established a private infirmary principally for the accommodation of sick negroes; this soon developed into an extensive establishment, and after many years of successful operation, was closed at the termination of the civil war. He took an active part in the organization of the Medical Association of the State of Alabama, and was its first Secretary, its Orator, in 1851, President, in 1873, and has been a member of the Board of Censors and Committee of Public Health since 1874. In 1858, in conjunction with Dr. J. C. Nott, he originated the Medical College of Alabama; the establishment of a preparatory school of medi-

cine was first contemplated, but Dr. Ketchum strongly advocated the more ambitious plan of a Medical College. This proposition met with the earnest co-operation of Drs. W. H. Anderson and F. A. Ross, and an appeal was made to the public which resulted in the course of a few weeks in \$50,000 being subscribed for the purchase of a museum and chemical apparatus. The college was first opened in a building rented for the purpose, but this proving unsuitable, an appeal was made to the Legislature and an appropriation of \$50,000 was secured for the erection of a suitable building. Dr. Ketchum was elected Professor of the Theory and Practice of Medicine, a position which he retains to the present time.

Previous to the war Dr. Ketchum was Surgeon-General of the Fourth Division Alabama State Militia under Major-General T. W. McCoy, of whose staff he was a member. During the political ferment in the winter of 1860-61, he presided, by request, at the first meeting called in Mobile to consider what action should be taken in the then threatening aspect of affairs. He was one of the four delegates from Mobile, the others being Judge E. S. Dargan, Major Humphreys and Judge Bragg, sent to the convention held at Montgomery, and took an active part in the discussions of that body, which resulted in the passage of the ordinance of secession. As Volunteer Surgeon he went with the First Company of the State Artillery to Pensacola, and while there received his commission as Surgeon of the Fifth Alabama, which was shortly afterwards ordered to Virginia. On his way through Mobile he found that almost all the medical men had joined the army, and that, in consequence, there was not sufficient medical assistance available for the citizens. At the solicitation of Dr. J. C. Nott he accepted a position as Surgeon in the organization formed for the defence of the city, which he continued to hold until the surrender. During that period the population of Mobile was considerably increased, and as there was much sickness, the duties became very arduous, Dr. Gordon and himself being the only ones of the older practi-

tioners left in the city. He was a member of the Board of Aldermen and President of the Common Council of Mobile for a number of years, both before and during the war, and in his official capacity was one of the deputation who surrendered the city to the Federal forces under General Gordon Granger, early in April, 1865. After the termination of hostilities he was appointed by Governor Parsons, the Provisional Governor of Alabama, under President Johnson's plan of reconstruction, member of the Common Council, and for a short period became *ex officio* Mayor of Mobile. In 1871 he was elected President of the Board of Health of Mobile, and has been re-elected to that office annually ever since. In 1872 the Board of Health stamped out the beginning of an epidemic of small-pox. In 1874 the disease appeared again early in the spring, and in consequence of the inefficiency of the irregularly organized Board of Health, who had, under Republican administration, superseded the former Board of Health, it became, late in the fall, epidemic throughout the city. The citizens rose in indignation against the incompetent management of the public hygiene, and compelled the mayor to reinstate the Board of Health, with Dr. Ketchum as President. The Board at once appointed Dr. Cochran health officer, and such energetic steps were immediately taken that the disease, although at its height and in a season most favorable for its propagation, was at once checked, and in an incredibly short time was completely overcome. Since that time there has been no trouble with small-pox in Mobile. In 1874, as President of the Medical Association of the State of Alabama, he delivered an address, at the annual meeting held at Selma, on the sanitary needs of the people of the State, and the related obligations of the medical profession, in which he says:

"In the great objects which sanitary science proposes to itself, in the immense amelioration which it proffers to the physical, social, and incidentally to the moral and intellectual condition of a large majority of our fellow-creatures,

it transcends in importance all other sciences, and the true and intelligent people themselves will soon be taught by its beneficent operations, that it not only develops the full scope of the true and humane purposes and destiny of the medical profession, but that it embodies the spirit and fulfils the intentions of practical Christianity itself. 2d. It has ever been claimed for the profession of medicine that it was a humane science, and that its professors were true philanthropists; would we maintain that claim, and shout it from the hill-tops in voices of thunder, and ring changes on it on the market-places that all the people might recognize the validity of the assertion and vindicate the justice of the claim, then, here in the fruitful field of sanitary science, let our workers go forth and reap the reward of well-directed and intelligent labor. The investigators in other departments of science, encouraged by the plaudits of nations, and strengthened by the unsparing expenditure from the public treasury, have consumed time, lives, and untold treasure in the search for the open sea of the north pole; have written folios upon the habits and history of *insect life*; have employed the printing presses for days and months on the pages devoted to the *Invertebrata*; have searched the caves of the deep ocean for their curious denizens and varied fish; the forest glades for their crawling and poisonous serpents, and even the blue ether for its winged inhabitants; have even gone beyond animate nature and illustrated in their thousand varying tints and colors the trees and shrubs and grasses of the forests and the plain. What is our work in comparison with theirs? Do they not all sink immeasurably in the contrast? Theirs the dream of the enthusiast, the speculations of the scientist, the fancy of the artist. Ours to solve the great problem of life and investigate the mysterious wonders of the master-piece of the great creative Architect! It is of man that we would write our folios—of his increase in physical power, the perfection of his intellectual greatness, the improvement in his social, moral, and personal happiness, that we would illustrate our editions.

We would recognize the deadly enemies to his peace, his comfort, and, indeed, to his very existence ; and, from the knowledge thus acquired, would erect barriers against their approach, and save him harmless from their attacks.”

At a meeting of the State Medical Association at Mobile in 1875, Dr. Ketchum read a paper on the value of health to the State, which attracted considerable attention among the medical profession. This paper, enlarged and elaborated, was published in 1878 in pamphlet form, and gave great impetus to the movement in favor of improved public hygiene, and assisted materially in the subsequent passage by the Legislature of the bill to carry out the provisions of the Health Act in Alabama.

In July of the same year, Dr. Ketchum took his first vacation since the war : his health had become considerably impaired by his unremitting application to his professional duties, and rest was imperatively demanded. During his absence from Mobile, the yellow fever crept into the city from New Orleans, and he returned without an hour's delay to fight his old enemy once more. The precautions there taken, however, were so complete, and the treatment so successful, that it was almost entirely confined to the northern section of the city, and not more than seventy-eight deaths occurred out of 302 cases. Dr. Ketchum has been most energetic in his endeavors to obtain for Mobile an ample supply of good water, but his efforts to establish water-works were frustrated by the want of co-operation on the part of the Republican government, which then had control of the municipal affairs of the city. He expended large sums—nearly \$20,000—in purchasing the land (over 1,300 acres), making the necessary surveys, consulting the most eminent civil engineers, and other necessary expenses to carry out his plans ; but was prevented from bringing them to a successful issue for want of adequate support. It is probable, however, that in the near future his public-spirited action may bear fruit, and the land be made available for the purpose intended. He has always shown a deep interest in everything that has tended towards the advancement of the

public interests of the State, and his services in the field of sanitary science have proved of the utmost value to both the city of Mobile and the State at large. He assisted materially both with voice and pen in securing the passage of the Public Health Act and the act to regulate the practice of medicine through the Legislature. He took an active part in the organization of the Northwestern Railroad from Mobile to Helena. He was a member of the Board of Trade and Board of Control. He is a Medical Examiner to the Alabama Gold Life Insurance Company, and held the same position in the Alabama Life Assurance Company, the first company of the kind established in Alabama, and in the Grangers' Life Insurance Company, both of which corporations have since discontinued business. He is a member of the Medical Association of the State of Alabama, and of the Mobile Medical Society, of which he was President in 1866.

As Professor of the Theory and Practice of Medicine in the Medical College of Alabama, Dr. Ketchum's lectures to the students deserve notice for the comprehensiveness of their design and the elegance of their diction. We extract the following as a fair specimen :

“There is yet another view that I would fain impress upon you—in importance, scarcely second to the acquisition of a due store of medical knowledge and skill—a consideration which must needs shape your destiny and impress your future life in all its phases of being. It is the *cultivation of that spirit and feeling which alone harmonizes with the objects, interests and true aims of the science of medicine*—that spirit which should be the very soul of his profession to the true physician, because it is the essence of his humane calling, and elevates his occupation immeasurably above a selfish trade, or a mere mercenary avocation, and makes the divorce, between medicine as a mercenary motive and medicine as a humane science, absolute—a spirit of lofty purpose and earnest thought for our fellow-man—a spirit involving the idea of a higher duty than mere success as a practitioner of medicine—a spirit to inspire the profession

with a sacred and God-like attribute, destined to make mankind more free from suffering, and render them more reverent and noble—a spirit that forbids the physician to traffic in sufferings and sorrows, in tears and sighs, as contrary to the genius of medicine, at variance with its humanities, and making utter discord with its purer and loftier harmonies. That true professional spirit which looks beyond selfish aims and personal profit to the respectability, honor, dignity and humanity of a calling. Success achieved without the purifying influence of this spirit (and separated from a mere selfish pursuit) is but a ‘fruitless crown upon your head,’ and ‘a barren sceptre in your grasp.’ *Should wealth*, with its ingots and cornucopias of glittering coins, dazzle you with its apparent splendor, and you enter upon the mad pursuit of it with a grovelling and selfish aim, you will find it an endless circuit and an interminable chase, with an appetite that grows by what it feeds on; a hope constantly deferred; a feverish restlessness of the spirit incessantly aggravated; a false mirage of the desert, which leaves the deluded traveller to die of the very thirst it has stimulated with fleeting prospects of supply, and in the end the conviction will come that there lurks in the lust of riches, thus pursued, the radical germ of its own disappointment. But when sought as a means merely to the fulfilment of the varied and beneficent uses contemplated in that spirit which should actuate the devotee of a grand and humane science. then, indeed, whilst it stimulates the growth of nobler feelings, whilst it cultivates and refines our comforts, improves our physical being, it also enables us to blend the good of our kind with our own, and enlarge the boundaries of our science.

“See how the devotee, who dedicates himself to the worship of power—with its strong arms, its dread thunderbolts, and its purple vestments—encounters the same hopeless hunt after a faithless divinity, the same delirious infatuation, with the same unsatisfying results.

“In his blind idolatry of self, his course is marked by the images of plundered states, of assassinated armies, of misgoverned and suffering

millions, and around his pathway is heard the cries of an injured country appealing to an outraged God. Look at the fate of that gigantic impersonation of power, whose victorious armies swept like a fiery torrent over Europe less than a century ago. From the siege of Toulon to the fatal field of Waterloo, the main principle of his conduct was the selfish promotion of his own aggrandizement. Power, for its absolute subjugation of the will of others, for its wide possessions and martial pomp and glittering insignia—this was the constant and debasing object of his pursuit.

“‘Whole kingdoms fell  
To sate his love of power.’

“Towns and cities of Europe made bloody charnel chambers through which his frenzied appetite for personal glory followed the grim and treacherous spectre of universal dominion and unlimited power. See him with crowns upon his head, sceptres in his hands, kings for his vassals, and the earth for his footstool—the foremost man of all the world, panoplied o’er with power. Then look at him yonder! a poor, wretched, disappointed man, stripped of title, power, country, child, wife—everything, but the gnawing and consuming fires of ambition, and the undying lust of power still rankling in his heart. Well might the words of the great English Dramatist be put in his mouth:

“‘I have lived long enough; my way of life  
Is fallen into the sere, the yellow leaf;  
And that which should accompany old age,  
As honor, love, obedience, troops of friends,  
I must not look to have: but in their stead,  
Curses, not loud, but deep, mouth-honor breath,  
Which the poor heart would fain deny, but dare not.’

“Such is a picture of the fatal issues of the abuse of power sought only for its purposes of self-aggrandizement. Look now upon another picture—power achieved for the nobler ends of right and humanity—power sought in the spirit, which regards it only as the means to the fulfilment of the varied and beneficent uses which by the force of an inflexible and beautiful law, contributes to the happiness of others, while

it secures that of the possessor. A century ago there was an enemy of the human race that swept through the communities of men and nations of people as a destroying angel, sparing no sex, no age, no condition—the king on his throne—the peasant in his cottage—the artisan at his work-bench, and the haughty savage in his native wilds—all fell before his dreadful touch. The puny defences of man opposed no barrier to its dread progress, and armies melted away in the presence of this terrible foe. The victims of this scourge became ere the lapse of many days a mass of putrefying and disgusting humanity, and those who escaped death at his hands bore upon their scarred and seamed faces the evidence of the terrible ordeal through which they had passed. Its name was a terror—its dread approach the signal for universal flight. Whence came the power to stay this fell destroyer's course? Who was bold enough to oppose this tyrant whose path was marked by death, desolation and despair? A surgeon's apprentice in the county of Gloucester, England, in 1798, gave to the world that masterpiece of medical induction—Vaccination; and when he announced to a doubting world the proven facts from the idea that he had received from the milkers of Gloucester, Edward Jenner was from that moment famous. Small-pox, the most loathsome and deadly foe of mankind, was robbed of half its terrors, and medical science closed one of the grandest yet gloomiest outlets to human life. The mighty warrior with his armed followers swept over Europe, and left a track of smoking ruins and hetacombs of dead slain. His terrible career was ended by opposing hosts—the concentrated power of combined nations, the expenditure of millions of treasure, and the sacrifice of thousands of valuable lives. The dread pestilence, with march more silent, yet not less destructive, counting its miserable victims by thousands, was stayed in its murderous assaults by the cool courage, and the power that knowledge gives, of a single physician, armed with his tiny lancet. Its polished point touched with a lymph-like fluid drop kept the hosts of this destroyer at bay. He touched the

men and women of his nation with his talismanic wand of power, and the demon of destruction was stayed in its destroying course. He took the smiling babe in its mother's anxious embrace, and the little mark he left upon its arm was a sign of its safety—the seal of a covenant for its protection against the loathsome enemy of its race. The power that cost no lives, and expended no countless treasure—the power to save—the power sought in the peaceful channels of scientific investigation for the best interest of humanity—the power that has called forth, and will ever claim, the deepest homage the hearts of nations impulsively renders to illustrious worth and true benefactors, is here contrasted with that power which had a throne erected upon the ruins of demolished cities, impoverished provinces, countless hosts of dead warriors, and cemented with the heart's blood of his countrymen—a power sprung from inordinate and reckless ambition, stimulated by the visions of a towering and comprehensive genius stretched beyond the limits of his own country, to the achievements of a world-wide domination, a colossal despotism, under the shade of whose vast and upas-like foliage the nations would have shrunk into abject slaves of his authority, and passive instruments of his selfish caprice. When Napoleon's great name shall be lost in the vortex of revolution, or remembered only as a bold and reckless destroyer, Edward Jenner will be spoken of by posterity reverently, as the scientific saviour and benefactor. Should Fame, with its deathless scroll, attract your eye and tempt your pursuit, as she points to her temple that shines afar, go seek an entrance there, and be the first to do homage at her shrine. But rest assured that unless the credentials that you present for admission have been procured by an undeviating adherence to the requirements of the impulses and suggestions of the true professional spirit, your seat therein will be an insecure one indeed. Merited oblivion will soon obscure your dim light, and proclaim the counterfeit claim that you have presented. There is indeed much in this grand profession to excite the ambition of those who consecrate their energies to the acqui-

sition of Fame, and who, actuated by worthier impulses, feel that the honor of men and a deathless name is a nobler guerdon than ever increasing wealth. For

“There is a blameless love of Fame, springing from a desire of justice:  
When a man hath fealty won and fairly claimed his honors;  
And then Fame cometh as encouragement, to the inward consciousness of merit;  
Gladdening by the kindness and thanks wherewithal his labours were rewarded.’

“See Paulus with his glittering knife laying the foundation-stone of operative surgery—Paracelsus intent on the crucible, from which he evolved his dogmas. Look at Versalius, the first dissector of the human body, in the dim light of his solitary lamp, in his lonely chamber, the cadaver on the table, the knife in his hand, his eye on the crucifix, prying into the mysterious secrets of the human form, and building up the science of anatomy upon a foundation of facts, with the thundering menaces of the terrible Inquisition ever and anon startling him amid his midnight labors. This sublime spectacle illustrates the holy ardor, the nobility, the heroic courage of the profession in his age, and in all ages. In the path of investigation were toil and dishonor and death, but it was the road of life for all the race of man. On his vision shone the glorious light of coming triumph in medicine—the disenfranchisement of that science which should save the race. He died a martyr to his zeal, but his work and name survived. Witness Pinel after years of persistent toil and persuasion, and countless refusals, finally allowed to go on his great mission of philanthropy to the Bicêtre in Paris—the prison, not the hospital, for the insane, that menagerie of human wild beasts more savage from the effects of harsh and misdirected treatment than the beasts of the forest—the fettered victims of public ignorance. See him enter alone and unprotected, his countenance beaming with love and sympathy, fear forgotten in his divine errand—see him strike off the shackles and lift up the poor and maimed and forsaken wretches—see the fires of madness

and revenge die away in their eyes as they gaze into his. Here is a scene for the painter, a theme for the poet, a lesson for the Christian!

“See Harvey as he still wonders over the curious engine of the circulation of the blood. Willis unrolling the skull case, and analyzing the contents of the busy workshop of the brain. Haller busy adding physics to physic. Boerhaave teaching and unravelling the wonders of scientific chemistry. Laennie, with his stethoscope, pronouncing his diagnosis on his original physical basis, and Jenner, with his mission of beneficence to man, working out the problem which was to furnish one of the greatest earthly boons ever vouchsafed to humanity. But enough, the long line passes on in order and due succession.

“Tongues of our dead, not lost  
But speaking from Death’s post  
Like fiery tongues at Pentecost.’

“Such have won Fame, not by accident, but that they possessed the rare frame and constitution of mind united with thoughtful steadfastness of purpose which enabled them each to work out his contribution to the pages of medical history. ’Tis true they achieved fame, but at what price?—the best part of life perhaps consumed in toil; chill penury may have been long endured; the sweet influences of home and the delights of social life sacrificed in the struggle; all circumstances made to yield and contribute to the gratification of a mighty master passion. That gratification can be but brief, and though it may have been won amid toils and reproaches, checks and disappointments, perhaps death claimed the overworked enthusiast in the midst of his labors, and fame came only to cover as with a monument their buried bodies.

“Can storied urn, or animated bust  
Back to its mansion call the fleeting breath?  
Can honor’s voice provoke the silent dust,  
Or flattery soothe the dull, cold ear of death?’

“Posthumous fame is indeed at best but an empty honor, yet to live in story, to live in song, to live in the memory of ages yet unborn, and for blessings long since bestowed claim the thanks of millions yet to be, has nerved the martyr at the



stake, has given power to the warrior on the battle-field, has sustained the midnight toiler as he robbed weary nature of her required rest. The desire of fame, the longing for the approbation of the wise and good, the wish to be singled out and placed above the great mass of our fellow-creatures, is a perfectly natural feeling and of kin to immortality—the feeling has been the operative cause of the noblest exertions of human genius, and incited the great of former days to the heroic deeds and efforts which still live on the pages of history, and it will continue to enkindle from their ashes fires which shall warm, cherish, and enlighten human society. Yet many who have become distinguished in medicine did not pursue fame as the grand object of their activities—no praise of men, no earthly trophies, no laurel crowns evoked their energies, but they toiled on and on from that instinctive benevolence of the human heart of which the medical profession is the especial exponent—representing, as it does, beyond all others as a class, the power of this sentiment than which none is more noble in human nature. Other men do good upon occasions—the physician habitually, and by the very import of his calling—other men relieve the destitute and the suffering by indirection, giving their substance for the erection of hospitals and asylums, distributing their alms by proxy—the physician in his own person gives the sweat of his brow and the labor of his hands, the anxiety of his soul, and the toil of his intellect. His benevolent instinct, the outgrowth of his professional spirit, and the ethical code which gives formal expression to the purest impulses of our common nature calls upon him to bestow without limit his unrequited services whenever suffering humanity calls.

“The late Sir James Simpson, in an address at the University of Edinburgh some years ago, stated that it was the custom in some ancient continental universities to present the graduate on the day he received his doctorship with a ring, a barette, an open and a sealed book—these symbols very beautifully give us an ideal of the medical character, a picture of the medi-

cal life. The ring represented the marriage of the physician to medical science—a bride indeed fit for the proudest in the land, a bride whose beauty and grace will more and more unfold with each passing year, and hold a loyal heart in willing bonds. A bride worthy the purest love and noblest consecration—surely we may claim for this bride a celestial origin, a divine lineage, and hence is worthy a nobleman’s espousal. Gentlemen, take this divinity as yours, accept this bride. She offers virtue, truth, and wisdom; philanthropy and gratitude wait upon her, and she claims in her own right the treasures of knowledge, the titles to high honor, the bestowal of riches. A barette was also given the graduate, signifying that he was now a priest and called to the exercise of priestly functions. Your profession is based on the loftiest sentiments and feelings of a noble and dignified nature—these mingle with and pervade the currents of your professional thoughts, and such lofty sentiments directed to lofty ends and aims, and habitually indulged in, moulds the whole soul and purpose into its own nature and exerts its elevating and ennobling influence upon the entire character. Under such influences he will find himself invested with a moral dignity and self-respect, as with a robe of spotless ermine, which will ever caution him to sedulously avoid every soiling contact. The cultivation of these feelings and their elevating influence on his inner self alone will fit him for the duties and responsibilities that his position will force upon him. He is placed in relation on one hand with medicine, on the other with the human victims of accident or disease; he is the priest to cleanse, to purify, to heal; he is the prophet, knowing both the nature and the needs of the sufferer, and the spirit and the power of the science which brings relief. Abernethy once said to his surgical class:

“I place before you the most enviable power of being extensively useful to your fellow-creatures. You will be able to confer that which sick kings would proudly purchase with their diadems, which wealth cannot command nor state nor rank bestow—to alleviate or remove

disease, the most insupportable of human afflictions, and thereby give health, the most valuable of human blessings.'

"Another great man though not of our profession—but greater, perhaps, than Abernethy, Carlyle—says 'The profession of the human healer is naturally a sacred one, and connected with the highest priesthood, or rather in itself is the outcome and acme of all priesthood and divine conquests here below.'

"The profession that gives their lives to humane and beneficent objects—that in their daily work benefits man's highest estate, and manifests the glory of God in healing the sick and bringing comfort to the afflicted—should endeavor to impress the communities in which they live and labor that they do indeed hold a divine commission for the performance of a great and responsible duty; that they are a kind of priesthood set apart, and anointed for a peculiar and sacred function to which belongs in a considerable degree the issues of happiness and misery of life and death; and in which unfaithfulness, either in promise or performance, is an offence not against man only but the Most High. The other presents received by the graduate were an open and a closed book. The one signifying the knowledge already obtained, and the other that which he should diligently seek. The open book represents but the vestibule of the grand temple of medical science. The closed book is the inner sanctuary with all its splendors to be revealed. Its lofty columns, its fretted dome, its majestic choirs, its holy and sacred notes of music lifting the soul up in worship and attuning it to sweetest harmony! Stand not idle with that closed book vastly larger than the one you have opened and studied. Linger not on the threshold when the doors of the grand temple only wait to be opened by your own hand. The golden ingots of wealth are within, the purple vestments of *power* are there, the clarion voice of fame calls aloud for your entrance, and the orient pearls and priceless jewels of *knowledge* lie in profusion within your reach. Delay not. Hopes bright as day envelop you as with a mantle of glorious prophecy! Open the closed book

and see to it that the world is better for your living in it, that you are a proud and worthy groom to the peerless bride that you have this night espoused, that you are faithful priests in the temple of our noble science. And the people will rise up and call you blessed."

Dr. Ketchum has the largest and most responsible practice in Mobile, and stands in the very first rank among the medical profession in Alabama, among whom he is exceedingly popular. From the very commencement of his career he has conducted a large practice, and of late years he has had more than most men could possibly attend to. As a general practitioner he has no superior, and in consultation does the largest practice in Mobile. His use of quinine in the earlier stages of yellow fever has proved the most successful treatment of that disease the South has ever seen. He has a remarkably hopeful disposition, and his power of infusing hope into the most desponding patient is an important element in their chances of recovery.

Of untiring industry, systematic and methodical in the apportionment of his time, he is able to accomplish an amount of work which to one less systematic would be an impossibility. Every hour employed to its utmost capacity, yet never in a hurry, he finds time in spite of his immense practice to lecture at the college, attend meetings of the various medical societies, and take an active part in everything looking to the advancement of the State and the interests of its people. Possessing fine judgment, remarkably quick perception, and a ready command of resources equal to any emergency; great firmness and decision of character, with excellent administrative ability; he seems to have been intended by nature for a leader of men, and had he not adopted the medical profession would have commanded the highest offices in the gift of the people. In addition to oratorical powers of the highest orders, and an inexhaustible command of language, he possesses a personal magnetism that stirs an audience to the utmost enthusiasm while commanding the closest attention. His courteous and attractive manners, high character, and genial disposition have made him a





Faithfully yours

U. A. Lockman

great favorite in social circles, and won him the high regard of all who have the privilege of knowing his sterling worth. He married, November 23d, 1848, Susan Burton, daughter of Dr. John Burton, of Philadelphia, a member of an old Quaker family originally from Delaware. He has two children, both girls.

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HON. OSBORNE A. LOCHRANE.

GEORGIA.

**O**SBORNE A. LOCHRANE, late Chief-Justice of Georgia, was born in Ireland on the 22d day of August, 1829, and was the second son of Dr. Edward Lochrane, of Middleton, County Armagh. Dr. Lochrane was a man learned in the profession of medicine, loved by all classes for his kindness of heart, and his society sought by the highest on account of his intellectual culture and extensive literary acquirements. He was as fond as he was full of anecdote, the life of every company in which his genial humor was displayed. His opinions, too, were widely respected on account of his reading and information. His brother, Ferdinand Lochrane, Esq., J. P., is manager of the Ulster Bank of Ireland, city of Dublin, a man of fortune and position.

The subject of this sketch himself had, at a very early period, the advantages of a finished education. He was a good classical scholar, had read largely works of poetry and romance, and was full of information from the best authors, before he came to this country.

Why young Lochrane should have determined to seek his fortunes in a foreign land was a question of some perplexity to such of his newly formed acquaintances as were ignorant of the class of immigrants to which he belonged. Those who surrounded him, a youth of eighteen years, when as a clerk in a drug store in Athens, Ga., he modestly commenced his labors on this continent, wondered how it came to pass that a young man, evidently tenderly nurtured, exhibiting the most polished address, and possessed

of great courtesy and refinement of manner and bearing, should consent to become a voluntary exile, and to deliberately choose such a destiny, as he might be able, by his own unaided efforts, to wring from the slow admiration and the reluctant sympathy of alien strangers. Such persons failed to reflect that Ireland was repressed by the weight of a heavy hand, the line of promotion for her ambitious youth obstructed in every quarter, the avenues of official advancement and even of private fortune hedged in and curtailed by a thousand petty exactions; and such persons could not, as yet, know that this humble drug-clerk modestly veiled behind his smiling face an ambition directed toward the greatest objects, and a soul, in all its instincts and sympathies and aims, in exact harmony with the spirit that animates ambitious, free America. They readily perceived, from the accuracy of his diction, that he had scholarship; that he could talk brilliantly, and was already familiar with orators and poets; that he had the biography of the great men of the world at his tongue's end; that he was always dressed neatly, if not even elegantly, and bore about him an air of good-breeding. From all these circumstances it was but natural that people should talk about him, particularly as he went nowhere, mixed with nobody, was constantly reading or writing in the store, and in nowise courted the public attention, indeed seeming to shun all observation.

At length it was ascertained by those who had now become his friends that young Lochrane secretly devoted the greater part of his leisure moments to prose and poetic writings, which he was accustomed to destroy as soon as completed. A few fragments of this early work have been accidentally preserved, and it is not too much to say that, while they betray an imagination tropical in its luxuriance, and even vicious because of the very virtue of richness, they yet bear the marks of refined taste and cultured thought. From the torn leaves of a little scrap-book before us, dated November 17th, 1847, we make a few extracts, with a view of showing, not that the subject of this sketch was endowed with extraordinary powers, but that young

Lochrane from the period of his earliest manhood was full of glowing fancies and of love for the true and beautiful, with tastes and habits already distinctly foreshadowed; and for the purpose of revealing how naturally, and even necessarily, the ardent and impulsive youth has grown into the man of fame and influence. We quote from a little sketch written in November, 1847, the theme being "A thing of Beauty is not blessed." After a rich embroidery of word-painting, sustaining throughout the same vein of tender half-sad fancy, he concludes with the following:

"Poor Maud! she kissed me once. 'Twas 'neath a blossomed tree whose coy and blushing fruits were pouting towards the amorous sun. Her hand was clasped in mine. My head leaned next her face, fanned by her hair. Her eyes were wet with tears. We had been talking of the past. The rose that breathed its perfume on the breeze, and whose head was lifted up in pride but yesterday to meet *her* look, now drooped upon its stem as if in shame, for the rude wind was plucking off its leaves, and so denuding it. A leaf was wafted to her cheek. Her little hand pressed the frail relic of the riven rose, and the tears, sifting through her shaking fingers, showered upon it thick as rain. Before her mind were passing groups of lonely thoughts led on by death. I saw it all; and, stooping, kissed the tears from off her face. Her lips met mine. My kisses lingered on them so purely soft, so softly pure, that angels sleeping on the damask of those cushioned lips would not have known I kissed them."

This is but a fragment selected from a sketch sustained in the same strain, and shows the early bent of his imagination.

Let it not be supposed that Judge Lochrane sprang into eminence by an accident. He did not achieve his reputation by a single exertion. On the contrary his growth has been constantly and evenly upward, and his fame added to by gradual successions of acts. When he came to Athens he but continued the line of improvement he had started in Ireland. He went on writing prose and poetry, not simply for amuse-

ment, but to acquire facility of composition and beauty and force of expression. Not only in prose, but in poetry as well, did he, at this early age, train his thoughts to beauty of expression. Indeed, he was a casual contributor to the columns of the press, and, under anonymous signatures, many a little gem of fancy dropped into the abyss of literature to be lost, save in the way of making room for the development of its author's deeper stores of mental wealth and power. Criticism would shake its head, now sagely, perhaps severely, over these early adventures in literary fields; but who can estimate the advantage their very production conferred upon the mind that produced them? A description of a mouth by the Judge, at this early age, we might regard too ornate and fanciful:

"Thy mouth's a soft kiss claped in coral,  
Where waves of music break  
In words so sweet, nor crown nor laurel  
Such thoughts of glory wake."

Or, we might equally regard as overdrawn, the prose poetry to a young lady: "I'll give thee purple words, plucked from the branches of my thoughts, and press them to thy lips, to let thee suck the juice of love within;" or, of the Irish ladies when he was making an eulogy on their purity: "The robe of snow the angels hung upon their cradles, they have borne unsoiled through life, and worn as ascension-ropes to immortality;" or, in a fragment of a sketch of his mother: "In her sweet presence one might well feel God had forgotten man's disobedience, and we stood again on earth, face to face with angels."

In referring to his exile, a subject that never failed to call up in his heart all its poetic fervor and patriotic longings, he says:

"I'm alone, I'm alone in this wide, wide world:  
My heart it is broken, hope's banner is furled—  
No voice near to cheer me, its tones to impart  
A smile to my lips, or a joy to my heart."

"I'm alone, I'm alone, and my thoughts ever stray  
Like white-sheeted ghosts of past pleasures away  
To the home of my sires, where music and mirth  
Make sadness, *like* gladness, in the land of my birth."

The parting scene from one he loved is thus portrayed:

"A Sabbath night we parted. The stars were looking down,  
And the moon their, mother, watched us, 'neath her pale  
and silvery crown;  
In that silent hour our beating hearts were far too full  
for words;  
For a spirit's hand was pressed, dear, upon their throbbing  
chords."

We have selected, somewhat at random, the foregoing fragments, crude products of his earliest attempts at composition, to show that the youth who landed in Athens an exile, without friends or name, was indeed no ordinary man, but carried in his breast a talisman of power. While storing his mind with valuable information by assiduous study, and training his style by laborious composition, he was attentive to every detail of the business of his employer, and received an unexpected increase of salary as a recognition of his usefulness and capacity for labor.

In the tide of time, the young gentlemen of the University of Georgia took a fancy to the well-informed and brilliant young Irishman, and his election as an honorary member of the Phi Kappa Society followed, as a substantial mark of their regard. This was followed by his being selected the anniversary orator of a Temperance Society, on which occasion he exhibited wonderful talents for so young a man. In that speech his word-painting of the goddess of Temperance was giving almost coloring to thoughts, so full of startling beauty was the picture. He also drew a painting of the drunkard's death-bed; the altar of intemperance; the young man's rise and fall, and in a word the whole speech was gemmed with beauties. In the audience sat Judge Lumpkin, then Chief-Justice of the State—himself the greatest orator within its borders—and his congratulations were expressed with warmth and even enthusiasm. It was in consequence of the influence and counsels of Judge Lumpkin that Mr. Lochrane was induced to study law, and subsequently to obtain admittance to the Bar, which he did in Watkinsville, Ga., at the February term, 1850, of the

Superior Court. In the next month, March, 1850, he went to Savannah, and made a speech on St. Patrick's day. The audience crowded the theatre when he spoke; and his success was attested by the repeated cheers that rang through the hall. The Irish women wanted to see the youth who had so painted the misfortunes and glories of his country, and as he threaded his way through the crowding throng, many a smile and hand-shaking and some kisses were given him.

From this hour young Lochrane began to be recognized as the representative Irish orator of the State. Coming to Macon to practise law, he was again the orator for his countrymen, and again covered himself with newer and fresher laurels. It was in Macon, after his successful exhibitions of power as an orator, that he began in earnest the labors of his profession. At the outset of his career he won the favorable opinion of the Bar and the people as a jury advocate. But Lochrane was ambitious. What would have been to very many other young men a success, to him was only a stepping-stone. He began to spread his practice; and being invited to address his countrymen in Atlanta, he added strength to his reputation and won additional plaudits. He was now known as a rising man. While Chief-Justice Lumpkin still sat upon the Bench of the Supreme Court, his young student came before him, at Decatur for the first time as an advocate. The case in the argument of which he was employed involved the purity of the jury-box, and Lochrane, after presenting the case upon the law and facts, finally closed with a tribute to the trial by jury in periods remarkable for beauty, particularly as to the impartiality which was to characterize the juror's mind, and in tracing the effect of an expressed opinion upon the judgment it influenced. The case was reversed and the party finally acquitted.

Events apparently insignificant lead on the crises of history, and the turning-point in the life of the subject of this sketch may be traced to a circumstance in itself trivial. There came before the bar of the Macon court one day a poor woman, worn out into shreds of life, sob-

bing, and in rags. Young Lochrane was appointed to defend her. The charge was vagrancy. In a hurried consultation, in a few pitiful sentences, the wretched woman told him the tale of her degradation. It was an old, old story; but as the words, stunted and woe-begone, came from her tear-dazed heart, Lochrane resolved to fight for her liberty. Her weakness became to him strength. The cold isolation of her position inflamed and kindled him, and brought out burning words upon his lips. The evidence was conclusive of her guilt. She was a vagrant—a vagabond in the earth. The mayor and chief marshal of the city, who were sworn as witnesses, established it. Nothing apparently was left to be done but to write the verdict, when Mr. Lochrane announced that he proposed to argue the case. At the announcement the prosecuting attorney but ill disguised a sneer, as he quickly responded in the customary set phrase that he “would not insult the intelligence of the jury by uttering a word.” When Mr. Lochrane rose, his first words startled jury and bystanders, and went far to change the “court-house sentiment.” “This woman,” said he, in slow, repressed words, “is the victim of crime—not its perpetrator.” He paused a moment, while the great meaning embodied in the words used seemed to settle down in awe on the faces of the jurors, and added: “It was you, jurors, and men like you, that committed the offence with which she stands charged. Strong, brutal men have been assiduously sowing seeds in the yawning furrows of her heart, and here she comes back to you with the inevitable harvest of vagabondism held out to you in her shrunken fingers.” Thus, changing the front of the entire case, he adroitly directed the whole accusation against her betrayer. Interweaving argumentatively and by way of illustration her heart-history into his speech, he went on and on, until the words “soiled dove” were uttered behind him. He instantly turned and replied: “Yes! Her innocence has been soiled by your lusts. You took her from her father’s fireside; you tore her from a mother’s caresses; you made her homeless, for you shut a father’s door upon

her, and dragged her, sick with shame and trembling with horror of herself and you, from the shelterings of a mother’s prayers and blessings. You have turned her out as a storm-beaten dove, with no home for its broken wing; and to add shame to your treachery, you would brand felon on her brow, and hide *your own disgrace* within the walls of a penitentiary!” It is useless to add, the jury acquitted her without leaving the box, and from the powerfully awakened sympathies of the audience a sum of money was raised on the spot to furnish her with clothing, and to supply her present wants.

We recall also the case of Conally, charged with the murder of his wife. It was a fearful case. He was an Irishman. His wife was found in the room, killed by a blow from a hatchet. Her infant child climbed out of its cradle to its mother’s breast, and when discovered was stained and wet with its mother’s blood. So fierce was the fury of his countrymen that they added two distinguished lawyers to the prosecution, and his oldest friends refused him, during the trial, recognition or the smallest favor. Public opinion carried its prejudice into the court-room, arraiging every bystander into an enemy. When Mr. Lochrane stood up to speak for him, the jury turned away their heads. His argument was well put and pointed, but the points only touched the jury like icicles. The case seemed hopeless. The evening shadows were creeping down from the walls, and ignominious death seemed everywhere to threaten the accused Conally. Suddenly, as in a gust of inspiration, lifting him above the occasion, he turned to the heavens and painted the mother looking down upon the scenes of the trial, and with an invocation to her spirit brought her down and made *her* plead for the life of her husband. He turned and with her spirit rebuked the prejudices around him. He made her tell the tale of the killing, and, with uplifted hands, warn the jury against the sympathy all felt for her. He caused her voice to speak imploringly for the life of the husband; of his former kindness; of his trials and cares of life; of the suddenness of his passion; and begged



piteously for his life as the father of her child. No words could do this appeal justice. It did not acquit Conally, but it saved his life.

We have referred to these instances among many as best illustrating Judge Lochrane's early and peculiar powers as an advocate. He was not considered, as a lawyer, learned in the law, nor did he for some time enjoy a lucrative practice. At the head of the criminal lawyers in his circuit, he stood confessedly among the very first rank. His devotion to his clients was proverbial. To eloquent advocacy he joined unquestioned tact. When the case was slipping away from him, and the evidence came hottest and heaviest, he wore a smile not only of confidence, but almost of triumph. With the quickness to draw out every shadow in the case favorable to his client, yet all could perceive the constant touches of sympathy he would interweave with the facts, and those who knew him felt that out of these straggling links, hanging through the mass of testimony, he would construct and coil a chain about the jury hard to break in its sympathetic influence. His greatest strength lay in his changing the front of a case, so as to change the current when it ran against him, and when he had broken or turned the sharpest points of the testimony, he would melt away the balance in the heat of human sympathy; for he could paint anguish until tears involuntarily dimmed the eye, if not the judgment, as, for instance, in the case of Revel, when he argued the motion for a new trial, and one of the prosecuting attorneys shed tears over his recital of the anguish and pain of an imprisonment under sentence of death.

But we have said enough illustrative of the early history of Judge Lochrane as a criminal advocate. Just as the war opened the first judge appointed under the Confederate authority was Lochrane. On the Bench he developed great administrative ability. He was prompt, quick and able, his judgments were gracefully delivered, and his courtesy to the Bar was uniform and liberal. He was never impatient, and without much effort always maintained the highest discipline of decorum. But under the veil of

his amiability he always wore the most inflexible purpose. At Twiggs' court, for instance, when he made his first riding, he called a case in which one of the counsel employed was openly inimical to his election as judge. The announcement made by the attorneys engaged was in the following words: "If your Honor please, we have agreed to take that case to the Supreme Court by consent." Judge Lochrane felt that this form of announcement was a blow insidiously dealt at his own person; that it was, in effect, to say, "We do not care for your opinion; we will go at once to the higher court." Without a moment's hesitation he replied: "Then, gentlemen, do I understand that you desire me to enter on this docket, 'Carried to the Supreme Court by consent, counsel declining to argue it here'?" On receiving an affirmative response, he took his pen and wrote the entry, reading it aloud: "Dismissed for want of prosecution." The attorneys looked unspeakably astounded, but Judge Lochrane went on with the business of the session as if nothing had occurred. As an instance of Judge Lochrane's independence on the Bench, we might add that he held the scales of justice during the shock of civil war, and maintained the dignity of his position at a time when the state of the country rendered the administration of civil law a work of great difficulty and danger. He would carry no military pass from provost marshals, permitting him to go about, as was required from all citizens within conscript age and not in the military or naval service of the Southern Confederacy. This led to his arrest by a conscript officer at Columbus, Ga., but he exhibited his commission under the great seal of the State, and was discharged. Leaving on the cars for one of his courts, he was again threatened with arrest, when he turned the tables by telling the arresting officer that if he endeavored further to oppose him, he would summon a posse of citizens and send the officer and his guard to jail. He was, from principle, warmly with the South in the struggle, but he would not allow the law to be trampled under foot. He enforced the writ of *habeas corpus*

in Georgia after the writ was suspended by the Confederate Congress. He declared conscription to be unconstitutional, holding that it was bad policy to make a man a slave before he was sent off to fight for liberty. He held, when a British subject applied for discharge from the conscript acts, that he was entitled to such discharge, provided he could prove the fact, but the court would not recognize consular papers for that purpose from a government that did not recognize the government under which he sat, declaring that, as for himself, a judge holding a commission within the limits of the Confederacy and under obedience to its constitution, there existed no such government as England. He held that the declaration of intention to become a citizen of the United States, made under oath before the war, did not bind as a declaration to become a citizen of the Confederate States, but had to be proven as an intention, if such existed, by acts or declarations subsequent to the existence of the Confederate government. He held that the ordinance of the secession convention, conferring citizenship of the State on every person residing in Georgia who did not file a disclaimer of the citizenship conferred within sixty days after the passage of the ordinance, was inoperative in Georgia, as the State, after the passage of the ordinance and before the expiration of the sixty days, had herself entered into a new form of government, uniting with the Confederate States. He held that a minor, held a prisoner by the United States for exchange of prisoners, was without the jurisdiction of a State court to hear his case on a writ of *habeas corpus*. He held that, under the Confederate Constitution, the State of Georgia had the right to a writ of possession against the Confederate States for the recovery of State arms loaned to the Confederate States; and, learning his decision would be resisted, he telegraphed Governor Brown for means to enforce his order. In reply, Governor Brown telegraphed him that he would send a thousand men, if necessary, to carry his judgment into effect. In a certain case where persons were relieved from military service by putting in a

substitute, under a law existing at the time, and a subsequent law extended the time for conscripts, under which last law such persons fell upon their plea that they were discharged by the first contract, Judge Lochrane held that they were liable, as the public exigency demanded more men in the field (the Supreme Court, too, having in the meantime held conscription to be constitutional). "Nations," said he, "die fighting, never by contract." He held foreigners were not liable to conscription, but he also held that a foreigner, having volunteered into military service, could not be discharged.

He held, where an over-zealous officer had induced a man to join a military organization (when companies were authorized to be raised by parties liable to conscription) by untruthful representations, that the man whose consent was thus obtained was entitled to his discharge on the ground of fraud, declaring that fraud annulled everything done under its color, and under no circumstances, and for no ends, no matter how salutary, could it be upheld.

These instances may serve to show that Judge Lochrane, as a judge, was firm and inflexible in his opinions, and that he upheld justice without regard to the popularity of his decisions.

Pending the session of the Legislature that was to pass upon the question of Judge Lochrane's re-election to the Bench, a case was brought before him of exceeding delicacy. A member of the Legislature from the county of Pickens, Mr. Alred, was voted out of his seat on account of treason. He was arrested and confined in a military prison, when he appealed for his discharge on writ of *habeas corpus*. Judge Lochrane heard the case, and although his own election came before the same Legislature in a few days, he in effect reversed the decision, by holding he was not guilty of treason, and discharging him from custody. He also discharged from military prison the men who remained in Atlanta, under the occupancy of General Sherman, upon the ground that they had not committed treason by remaining and working for their bread.

After the war Judge Lochrane resigned the Bench, and resumed the practice of the law. While thus employed, at the request of the mayors of Macon and Atlanta, and accredited by both, he visited Washington, and took an active part in organizing civil government in Georgia, and in moderating the views of President Johnson to the Southern people. An amusing illustration is given of his first interview with the President. Mr. Johnson asked him what was the opinion of the intelligent men of Georgia about the result in 1864, adding that it was impossible that they should not have foreseen the inevitable triumph of the government in suppressing the rebellion. After he concluded, remembering that the President had only a few days before declared that treason was odious and that traitors should be punished, Judge Lochrane concluded that the matter of discussion was too delicate for argument, and with a smile remarked, "Well, Mr. President, I don't know that I can better illustrate our views and feelings, than by stating to you what Sam McComb said to General Cook on the field before Richmond. The General was on his horse near to McComb, and the roar of artillery was loud and furious in front, when McComb, walking up to Cook, said: 'General, has Lincoln gone too far to apologize?'" Thus he parried the question raised, and a general laugh ensued in which the President loudly joined. Returning from Washington, Judge Lochrane, at the request of many citizens, made a speech at Ralston's Hall, a speech remarkable for its solemn warnings, prophetic of what soon fell upon the South. The republication of that speech at this day would mark its author as a statesman.

Judge Lochrane now launched into business, and swept a large share of practice. He was engaged in many heavy cases and won new laurels in the profession. He retired from the criminal practice, and with the experience and training of the Bench, took now position among the best civil lawyers. His kind-heartedness made him a champion of what was known as relief, and he advocated the defence of the first case tried after the courts were open. Crowds

hung upon this case, for it was a vital question with all the citizens of the impoverished and war-ravished South. The judge pressed the question in every way possible. In fact the Relief laws subsequently passed were but a summary of his pleadings in this case. Coming to the last point raised by him in the argument, viz.: that even if the jury should find for the plaintiff the principal they should find no interest thereon—he was reading from Thomas Jefferson's letter, as Secretary of State, to British Minister Hammond. At this point the presiding judge interrupted him to inquire, "What judge's opinion is that you are reading?" Judge Lochrane instantly replied, "This, sir, is not the opinion of a judge at all, but it is the opinion of a man with brains enough to make a hundred judges."

Judge Lochrane, as a lawyer, was an original. He looked through cases with bold conception of the inner history which lay imbedded among the facts. He cared nothing for beaten tracks; but as often as necessary took new lines of thought and then diligently sought out among the authorities the law to sustain his propositions. We recall an instance in point: He was in the court at Savannah, when distinguished counsel argued a question of injunction, to prevent the sale of cotton under levy by a United States Revenue Collector, for several thousand dollars tax claimed. The court refused the injunction, and counsel abandoning the papers left the court and telegraphed their client to pay over the money, which was done. Judge Lochrane, knowing the parties, took the abandoned papers to his room, moved an amendment next morning, which was granted, and an order to hold the money subject to the decree of the court, which was also granted. Having achieved this, he went to Washington, argued the question there, and recovered back the money, save a few hundred dollars legitimate tax due. Few men would have done this, for few would have supposed anything could be done after the defeat of the most distinguished counsel. But Lochrane has, as we have said, boldness of conception, and whilst, in common with all other

men, he has encountered failures, it has always been after a hard and costly battle.

When the capitol was located at Atlanta Judge Lochrane moved thither. In the light of results this change of residence was well considered. He at once stepped to the front of a very able Bar, but at their request soon assumed the duties of Judge of the Atlanta Circuit, which position he held but a short time. Of his ability as judge of this circuit, we need only remark that out of sixteen cases carried to the Supreme Court but one was reversed. On the accession of Hon. John L. Hopkins to the Bench, Judge Lochrane retired, until called to the position of Chief-Justice of the Supreme Court of Georgia. In this position, the most trying for so young a man, he acquitted himself with great ability, his decisions ranking with the ablest delivered from that august Bench. In early life, the impression was made upon his friends that he had only a "pretty mind," but the remarkable fact in his career has been his exact adaptability and fitness for every position, however exalted or responsible. Associate Justice Bleckley, of the Supreme Bench, once said of him: "Lochrane's mind is a dual mind, one fancy, one solid, either of which he can use separately at pleasure, or both together if he chooses to do so." In the argument of cases before him it was soon discovered that Chief Justice Lochrane brought to the Bench a thorough knowledge of the law. His familiarity with the decisions was remarkable, his memory furnishing him with a clear comprehension of all the principles previously announced from the Bench. He dissented but seldom, but his views embodied in his few dissenting opinions are clearly and cogently stated.

Judge Lochrane, after a few years of laborious service as Chief-Justice, resigned his position to return to his private practice, and daily increased his business and his reputation, gathering in heavy fees, and extending his practice until probably few lawyers South were better known, or had wider reputation. He continued to labor earnestly in his business until appointed General Counsel for the Pullman Sleeping-Car Companies, which position he now occupies.

Having sketched briefly the career of Judge Lochrane in his professional character, we may return now, for a few minutes, to his other distinctions. The Judge, in political life, has never held an office, although for many years he was a leading man in the Democratic ranks. His triumphs on the stump as a speaker have been, perhaps, among his best efforts. He was full of wit and humor, could wield anecdote with immense effect, and pour forth eloquent vindications of the principles and eulogies on the candidates he advocated. His services have been, perhaps, invoked as often as those of any public man on occasions festive and serious, and he has been always happy in his responses. His facility and readiness was fairly illustrated some years ago, when attending a convention of all the mayors of cities, railroad representatives, firemen's organizations, military companies and citizens, held in the city of Memphis on the occasion of the completion of the Memphis and Charleston Railroad. The Judge was riding in a carriage with the delegation of the city of Macon, when he saw Judge Hayden, the acting Mayor of Atlanta, on foot. With his characteristic courtesy, he alighted and walked with his friend. They arrived by a near way before the general procession, and were conducted by Mr. Douglas, Mayor of Memphis, to the stand. Soon the great crowd got in position. In front was a sea of firemen ready to pour the waters of the Atlantic into the waters of the Mississippi. All around were the masses of military and citizens, and on the left an array of lovely women. The order of the day was soon developed. It was speaking by the cities' representatives, Charleston leading off, followed by city after city, until at length the Mayor of Atlanta was called. "Here he is," said Judge Hayden, pushing forward Judge Lochrane. There was no room for apology. To the front he was quickly borne by the crowd. He had only commenced speaking, when all became still under the magic of a voice which rang clear and conscious of strength. He began with an allusion to Venice on the Adriatic, and Memphis on the Mississippi; he spoke of the governments of both countries, paying a

tribute to the enterprise of America. He dwelt upon the beauties of the pictures at Venice, recalled master-piece after master-piece, and then, turning to the ladies before him, said, here were pictures of loveliness of which the old masters never dreamed, and following with a glorious tribute to the women of the South. He then alluded to the firemen, the benefits of their organization, and, alluding to the act about to be performed, the putting of the Atlantic to bed with the Mississippi, he closed with the quotation: "He'll find no Cassio's kisses on her lips." Of course every one applauded—in fact, three times was he called back, and each time made some allusion happier than the last.

There were few men known to this country more able to meet such an occasion. Taken out of bed at Nashville by a serenading party, he made one of the best speeches of his life; and it is well known that at any time when he is called upon he more than meets the demands of the audience, for his mind is not only enriched with varied information, but he thinks upon his feet and speaks, on a sudden occasion, with all the accuracy of finished preparation.

In his prepared addresses, he has no equal in style in respect of graphic word-painting, beauty, pathos and Irish imagery, overflowing with flowers of speech. Nothing in Phillips excels, in these respects, his Irish speech at Augusta; nothing in Irish oratory is more simply beautiful than his speech before the societies at Athens. He can place his reputation upon these efforts, and posterity would do him justice in classing him amongst the most truly eloquent men of his day, for, not only are his speeches gems of poetry in prose, but the strongest currents of thought run silently below, and the beauties everywhere peeping forth are but the flowers lifted up without effort to the surface.

In politics since the war, Judge Lochrane has been conservative. His remark the day Mr. Davis was brought a prisoner into Macon indicates the line of his opinions. "I want," said he, "the South to be what Scotland is to the government of England, not what Ireland is." At another time he declared: "I want to see a

policy of conservatism and common-sense. I want capital invited, immigration fostered. I want our fields filled with labor. I don't want the poverty of blind and useless 'patriotism.' I love the sentiment, but *our folly* has made these women and children around us poor, and *we owe it to them* to rescue our drowned fortunes by good sense, so as to feed and educate them." On this line the Judge has hung, not for the sake of office, for he has evinced no desire for office, but out of a single love for the people of Georgia. He has large interests in the State. He was twice married, first to Miss Lamar, and after her death to Miss Freeman, by whom he has five children, two sons and three daughters. Although he is over fifty years of age, he is still in the prime of life, and looks like a man of scarcely forty.

We have thus briefly outlined a career commencing without friends or patrons. A youth in years, and yet bearing, almost since his admission to the bar, the expenses of a family, who has won every victory he has achieved by his own will and energy, and who has had literally to wring from fate the recognition of his talents. Take him as a drug-clerk on a small salary, and watch his every step over thirty years of life, and we discover the reliance and self-confidence which true genius alone can create. Consider Judge Lochrane as an orator—with what splendid triumphs has he not crowned his fame!

His taste for literature invoked the study necessary to such triumphs. A friend of Judge Lochrane once remarked: "Why, sir, I have found him at night in bed when the books covered more than the space he lay on." Another, who, as his partner, knew him better than other men, affirmed that Judge Lochrane was the hardest worker he ever knew, adding, "he would not go to bed at all, nor let me lie down until we had read every paper, ransacked authorities innumerable, and fully and exactly prepared for the fight of the coming day."

One of his attributes of genius was to catch the points of his adversary, and be prepared for them. When he has anything to do, he never

rests or falters until he masters it. In the midst of bright conversation with you, he is very likely secretly going over in his mind some question he has involved in an important lawsuit. In the smile of his face lit up with apparent happiness—and no one ever saw him frown—there is, if you notice particularly, a shadow flitting now and then and a look of reverie, which indicates, to those who know him well, profound meditation. He studies men as he studies books, and in his daily walk he is accustomed to make mental note of such peculiarities of character as he encounters, and later on, in some speech, his observations of men will leap out in some happy point of wit or flash in some illustration, sure to captivate his audience by its novel and graphic clearness.

In readiness of apt quotation, Judge Lochrane was always wonderfully distinguished even above other men of parts and learning. This proceeds not only from deep reading, but constant reading. Strip his speeches of all ornament, and the diction is yet pure, clear and simple, and the style closely and consistently argumentative. His training has been the result of great painstaking and labor. He is himself fond of declaring that his wife is his best and most incorruptible critic; her intuitions clearly marking out for him no uncertain path. Many men, who have risen to great eminence, not only owe their elevation to the influence of a refined and affectionate woman, but such men have hastened to admit it. Judge Lochrane relates with zest the many and signal helps he has received, even in his highest efforts at oratorical effect, from his highly cultured and deeply conscientious fireside critic. More than one speech Mrs. Lochrane has required the Judge to burn before her eyes simply because she did not like it, and he submits with trustful alacrity to her unerring judgment. Music has for him an especial charm. Before commencing to develop a subject requiring close thought or delicate imagery, he is wont to repose at length upon a sofa, and, bathed in a flood of music and cigar smoke, to remain in a delicious trance, until, starting up suddenly, you may be quite

sure he will do rapid and excellent work for the next half-dozen hours.

His oratorical style is evidently moulded after the great Irish orator, Phillips. He has all the fluency, the glow and glory of words, the shining images, the quick turns and heated climaxes, that mark that prince of popular speakers. He can warm into poetry of language at a touch, and pour out thoughts like music—thoughts that carry with them, and scatter broadcast, that singular power that is experienced in the trembling of fine muscles and the thrilling of delicate nerves, chilling and yet grandly animating the whole frame.

In social converse, Judge Lochrane is full of brilliancy. To him nothing grows commonplace, the simplest subject being illustrated with an anecdote, or touched into beauty with some sentiment. The hard and harsh realities of life grate singularly upon him. No man is by nature more averse to the spectacle of human misery, but instead of avoiding it, he is sure to alleviate it by a liberal charity. Careful to earn large fees, and to lay by in store ample fortune for his family, he has nevertheless sowed money broadcast with a careless, prodigal hand. Though he is, and has always been from his early manhood, expensive in all his tastes, extravagant in dress, in books, in travel, in everything, no man ever saw him without money in his purse.

At home he is an object of very great and tender consideration. His children run to meet him, cling round him, get upon his lap with arms about his neck, and as he is pulled here and there in affectionate familiarity by baby fingers his heart overflows with love for his little ones. Toys come to his household like endless Santa Claus visits. His children are seldom checked or admonished by him. His income is large, his home luxurious, and, hemmed in with rich and refined surroundings, he lives a life of easy, of even and contented enjoyment.

In sympathy Judge Lochrane has been always full to overflowing. He never passes an object of real charity, gives where it is doubtful, and has ever a hand open to his friends. Many instances might be adduced of his assistance to

friends, kindly and thoughtfully extended. And yet he is not what might be termed a philanthropist. He would give to a sickly woman or destitute child his last dollar, but to educational or charitable institutions his subscriptions would be difficult to obtain. His charity is influenced by his sympathy, and acts at once, not by speculation or persuasion.

Of all difficult subjects to write a biography of, the life of one whose chief eminence is based upon his eloquence in public speaking is perhaps most difficult. Should we lengthen this account by full quotations from the speeches of Judge Lochrane, they would still lack the matchless power of his delivery. To make a pen-portrait of his powers, one must catch his own inspiration and enthusiasm. That he may be understood and properly appreciated, it is necessary to see the unruffled manner in the midst of an exciting case; the unexcited features when the whole court is throbbing with excitement; the complacency of manner when all else is roughened with confusion; the apparent imperturbability when everything is boiling over with interest and anxiety—and then the instant change that sweeps over him when he rises to address the court, the jury, or the audience. His face becomes earnest. The hand he holds out quivers with suppressed emotion. The big drops, forced to the surface by the rushing activities of his mind, gather on his temples. His voice swells into his theme as his audience startled into attention melt into silence, and once away upon his subject he may be said to speak from head to foot. The gestures subdued by training, the voice modulated by discipline, the whole figure transforms itself into a figure of speech soft and sweet, now thundering, now flashing electricity, now pouring out emotion in burning words, never pausing, never sinking, never tiring, but onward, upward, roundward, flying without faltering or resting until the climax is reached, and the audience, strangely moved and agitated by the sounds that still ring in their ears, are left to their own reflections, whilst the speaker falls back in a moment into the same smiling, chatting, careless position he occupied at the outset.

HON. J. D. POPE.

SOUTH CAROLINA.

**J**OSEPH DANIEL POPE was born April 6th, 1820. The Pope family is of English extraction, and came to America and settled in South Carolina in the time of Queen Anne. There were four of this name in the war of the revolution, Joseph, William, John, and James; William becoming a captain and serving under Marion. Owing to the vicissitudes of the war they lost the whole of their patrimony. Joseph, the grandfather of the subject of this sketch, being left with a piece of land and but one negro called "Toney," commenced building plantation boats, in which the negro assisted. Having achieved considerable success in this enterprise, he subsequently became the owner of a number of African slaves and engaged in planting, dying in 1818 after having attained a comfortable fortune. His brothers all secured handsome competencies, and all were strong members of the Church of England. Joseph's son, Joseph James Pope, the father of Joseph Daniel Pope, was a planter of St. Helena parish, S. C., who subsequently removed to Hilton Head and became the most successful sea-island cotton-grower on the coast; he died during the late war between the States, having lost the whole of his property; he was a graduate of the University of South Carolina, and possessed literary and mathematical attainments of a high order, and married a member of the Jenkins family, who were of Welsh descent. Joseph Daniel Pope was educated by tutors in his father's family until the age of thirteen on St. Helena Island, one of the sea islands on the coast of South Carolina, from which St. Helena parish takes its name. From thence he was sent to Waterboro, a famous academy of that day under the direction of the Rev. Mr. Vandyck, and after a three years' course he entered the University of Georgia, at Athens, then a very excellent institution, and graduated thence with distinction in 1841. Among his classmates at the university may be mentioned General T. R. R. Cobb, who was

killed in the war; Professors John and Joseph Le Conte, the former President and the latter Professor of Natural History and Mineralogy in the University of California, and formerly of the University of South Carolina; the Rev. Dr. William Williams, who has attained a very high rank as a Baptist preacher at Greenville; and the Rev. Benjamin Palmer, now of New Orleans, and perhaps the greatest pulpit orator in the Presbyterian Church in the South. After graduation, Mr. Pope read law with the distinguished lawyer, James L. Pettigrew, at Charleston, for two years, and was admitted to the bar in 1854. He commenced practice at the Beaufort bar, and entered into partnership with the very able lawyer, Richard de Treville, principally devoting their attention to equity causes, and soon acquired a fine practice, more particularly in cases involving rights in private property and in wills. Mr. de Treville was successively a member of the House of Representatives and of the Senate for twenty years, Lieutenant-Governor of the State, and a member of the Secession Convention. Mr. Pope was elected to the House of Representatives in 1850 for St. Helena parish, and held that position until 1860, and for five or six years served on the Committee on Federal Relations, and was Chairman of that body when the John Brown raid into Virginia took place. The matter was referred to them to report what action should be taken by South Carolina; there was great excitement about the matter, and the committee reported that it was an invasion of the soil of Virginia, and, until that State called for assistance, it was indecorous for South Carolina to offer it. This report was not considered too moderate by the Legislature, and it was decided to send Mr. Memminger as Commissioner to Richmond to offer the services of the State in such an emergency. The authorities complimented South Carolina highly on her kind and prompt offer of assistance but declined it as unneeded. In December, 1860, he became a member of the convention called to consider the policy of secession, in which he took an active part, and was one of the signers of the ordinance of secession, who included among others

R. P. Rhett, Robert Barnwell, C. G. Memminger, Chancellor B. F. Duncan, Judge T. J. Withers, and James Chestnut, then United States Senator. The convention first assembled in Columbia, S. C., in December, 1860, where it was organized in the Baptist Church on Plain street, and was without doubt one of the ablest bodies of men that ever assembled together on this continent. In consequence of the prevalence of small-pox at the time in Columbia the convention, as well as the two houses of Legislature, adjourned to Charleston, the convention meeting in the Public Hall on Broad street and the Legislature in Hibernia Hall on Meeting street. After the convention had organized the question arose as to the best method of securing the co-operation of the other Southern States, and a protracted debate ensued, during which various propositions were introduced for the organization of a Southern government and for the *modus operandi* of putting it in motion. Mr. Memminger being then in the chair, a resolution was offered by Mr. J. D. Pope that the delegates from the several States on meeting at Montgomery, Ala., chosen for its central position, should, without referring the question back to the people; organize themselves into a Congress, adopt a Constitution, and elect the President and Vice-President for a provisional government, and by these means place the Confederate government upon a permanent foundation. This resolution was subsequently adopted by all the Southern States, who pursued the same course, and Mr. Memminger, when Secretary of the Treasury, wrote to Mr. Pope from Montgomery that in his opinion that resolution saved the organization of the Confederacy, which might otherwise have collapsed through local prejudices and jealousies. The provisional government, of which Jefferson Davis was elected President, removed after about three months from Montgomery to Richmond, and at the expiration of twelve months made way for the permanent government, of which Jefferson Davis was elected President for six years almost by acclamation. In the meantime, however, the South Carolina Convention, previous to its rep-



resentation at Montgomery, sent a committee consisting of Robert Barnwell, the late Governor James H. Adams, and the late James L. Orr, to Washington, to negotiate terms of separation without recourse to hostilities; they remained there three or four weeks, but public feeling was so violent that they could accomplish nothing and were compelled to return and so report to the convention. Upon this a special agent was despatched, Isaac W. Hayne, then Attorney-General of the State, to remain at Washington as Ambassador from South Carolina, and use his utmost efforts to accomplish a peaceful separation. Some time after this the steamer "Star of the West" was despatched from a northern port by private parties, with the connivance, however, of the government, with supplies for Fort Sumter, in express violation of the stipulations agreed to between Mr. W. H. Seward and Mr. Hayne that no action should be taken to disturb the *status quo*. When the steamer appeared off Charleston the Governor, F. W. Pickens, ordered her to be fired upon by the batteries on Morris Island, and she was compelled to turn back and abandon her mission. Mr. Hayne, finding that the pledges of the government were not to be relied upon, returned to Charleston, and General Beauregard, having been appointed by the provisional Confederate government at Montgomery, commenced to erect the batteries around Charleston harbor. When these arrangements were perfected, Major Anderson, the Union officer in charge of Fort Sumter, was summoned to surrender, and, upon his refusal, the order was given to fire, and at four o'clock on the morning of April 21st, 1861, the first gun was fired from the battery on James Island by General James Chestnut, United States Senator for South Carolina, then recently returned from Washington. Although the main object of the convention had been accomplished, it did not adjourn, because it had been called, in the language of the great Athenian, "to see that the State received no detriment," and it therefore continued in session from time to time and appointed a Council of Safety to assist the government, consisting of Governor William H.

Gist, Lieutenant-Governor W. W. Harlee, General Chestnut, Attorney-General I. W. Hayne, and General A. C. Garlington; this arrangement remained in force for over twelve months, until the permanent Confederate government had established all its branches and the whole conduct of the war was in the hands of the Confederate government instead of the individual States. At the fall of Beaufort in November, 1861, Mr. Pope lost the whole of his property except a few servants and removed to Columbia, and while still a member of the convention was, in 1862, elected to the State Senate, and retained that position until the close of the war. While in the Senate he was appointed by President Davis to take charge of the tax bureau for the purpose of raising supplies to carry on the war, South Carolina sending 60,000 men to the field out of a population of not more than 400,000, and Mr. Memminger, the Secretary of the Treasury, appointed him to superintend the printing of the Confederate State Treasury notes, which were issued on a large scale and became the currency of the Confederate States. With the fall of the Confederacy Mr. Pope retired from political life, and has ever since declined nomination to any political office, although in 1868 he was a member of the Executive Committee, on which Governor Wade Hampton also served, to support Seymour and Blair for President and Vice-President of the United States.

At the close of the war he commenced the practice of law in Columbia; during 1866 and 1867 in conjunction with Mr. Fickling, as Fickling & Pope, and from 1868 to 1877 in association with Mr. A. C. Haskell, as Pope & Haskell; in the latter year his partner was elevated to the Supreme Court Bench, and he has since been associated with Mr. John Haskell, a brother of his former partner, under the same firm. He has always had a very extensive practice, being engaged in almost all the important cases brought to frustrate the rascalities attempted against the State government during carpet-bag rule. Among the more important may be mentioned The State *ex parte* Shiver vs.

The Comptroller-General, to prevent the issue of about \$2,000,000 of bills of credit, called Revenue Bond Scrip, that were ordered by an act of the Legislature to be issued, to take up certain bonds of the Blue Ridge Railroad, that it was alleged the State had guaranteed: the court held that the issue of the scrip was against the Constitution of the United States, prohibiting any State issuing bills of credit, Mr. Pope making the argument on the part of the State; The State *ex vs.* the Mayor and Aldermen of the City of Columbia *vs.* John Alexander and others, to resist the right of John Alexander and others, who were elected by the colored population, to assume the city government, on the ground that they were not properly elected under the constitution of the State: the court, which was composed of Chief-Justice Moses and Judges Willard and Wright (colored), all creatures of the corrupt radical government, overruled Mr. Pope's argument, and forced a government on the city of Columbia which from that time, November, 1868, to March, 1878, ran the city into debt, squandered its funds, and brought its bonds down from par to from fifty to sixty cents on the dollar. He appeared also as counsel in the cases brought in the Supreme Court to test the validity of the election of State officers and members of the Legislature, and in the cases of the Tilden electors. He took an active part, both in writing and consultation, in the exciting and triumphant campaign of 1876, which resulted in the triumph of Wade Hampton and the honest men of the State over the thieves who had controlled the government for so long. Mr. Pope holds the highest rank at the Bar of Columbia, and is one of the few of the old professional régime which at one time cast such distinction on the Bar of that city. He possesses a fine judicial mind, great legal acumen and capacious grasp of intellect; his oratorical powers are of a high order, his fine voice, great command of language and impressive address, added to his high character and strict personal integrity, make his arguments tell strongly with the panel. His impulsive, generous nature, and sterling qualities have won him many warm

friends, and his fine, commanding presence, cultivated and courteous manners and kindness of heart, make him a fine specimen of the Southern gentleman of the old school, now alas! fast passing away.

He married, in 1846, Catherine S. Scott, daughter of Dr. John A. P. Scott, physician and planter, near Beaufort, who lost all his property in the war, and lived with his son-in-law until his death, about three years ago, in his eighty-fourth year. His eldest son, Joseph D. Pope, is engaged in mercantile pursuits, and his eldest daughter married Samuel R. Stoney, civil engineer, of Columbia.

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#### CHIEF-JUSTICE PEARSON.

NORTH CAROLINA.

**R**ICHMOND MUMFORD PEARSON was born, June, 1805, in Rowan county, N. C., and was the fourth son of Colonel Richmond Pearson, one of the most active and enterprising citizens of the Yadkin Valley, who had been a wealthy planter and merchant in western North Carolina until the close of the war of 1812, when he failed, owing to the sudden fall in prices. His grandfather, Richmond Pearson, was a native of Dinwiddie county, Va., and at the age of nineteen came to North Carolina and settled in the forks of the Yadkin; he was a lieutenant in the war of the Revolution, and with his company harassed the advance of Cornwallis through this State, and was a man of marked courage and independence of character; he afterwards became a successful merchant and planter, and died in 1819.

The subject of this sketch, at the time of his father's failure, was a child of seven years of age, and would have been unable to receive a liberal education but for the kindness of his elder brother, the Hon. Joseph Pearson, member of Congress from North Carolina for fifteen successive years. He received his early education under John Mushat, one of the most successful instructors of his day, and at Washington, D. C.,



*A. M. Brown*



spending his boyhood at Brentwood, the residence of his elder brother. He entered the University of North Carolina in 1815, and graduated thence with the highest honors of his class in 1823, delivering the Latin salutatory. Among his classmates were Governor William A. Graham, Hon. Robert B. Gilliam and Daniel W. Courts. Choosing the law as his profession, he entered the office of Judge Henderson, and, having completed his course, received his license in 1826. He commenced the practice of his profession at Salisbury, N. C., and his rise was at once rapid and marked, his early career giving evidence of the great abilities by which he was afterwards so eminently distinguished.

In 1829 he was elected to represent his native county in the House of Commons, and re-elected for the years 1830-31-32. In 1835 he was a candidate for Congress from the Tenth District, his opponents being Abram Reucher and Burton Craige; the contest was a warm one, and Mr. Reucher was the successful candidate. By the Legislature of 1836 he was elected one of the Judges of the Superior Court of the State, his competitor being Thomas P. Devereux, of Raleigh. He gained reputation steadily as a jurist, and at the session of the Legislature in 1848-49 his name was brought forward for election to the vacancy on the Supreme Court Bench occasioned by the death of Judge Daniel, which had been temporarily supplied by Governor William A. Graham in the appointment of Hon. William H. Battle. The majority in the Legislature were Democratic, whilst Mr. Pearson had always been a staunch old-line Whig. The Democratic candidate was the Hon. Robert Strange, but the Governor, who was of the same politics as Mr. Pearson, favored Judge W. H. Battle, who had filled the vacancy *ad interim*. The contest was a very excited one, and after a week's balloting terminated in the election of Judge Pearson by three votes.

In 1858 the celebrated case of Spruill *vs.* Leary was argued before the court; the case involved the most abstruse and intricate doctrines of the common law. The point in the case was: Where A, who had a fee simple, defeasible in the

event of his dying without issue living at his death, conveyed the land in fee with general warranty to B, and afterwards died without issue. Quære, will the collateral warranty bar his heirs and those claiming under? Chief-Justice Ruffin, a man of vast learning and exceptional ability, with Judge Nash, held that this warranty did bar the party claiming under executory devise. Judge Pearson dissented, and his opinion in this case probably gave him greater reputation for cogent reasoning and accurate acquaintance with the difficult and subtle distinctions of the English law than any other. His opinion was subsequently declared by the Supreme Court to be good law, and has been considered in America and England one of the profoundest discussions since the days of Lord Coke on this "cunning and curious learning" of warranty at the common law. On the strength of Judge Pearson's opinion in this case, Reverdy Johnson once gained a very important case, involving for him a ten thousand dollar fee. In after years the same principle as that decided in Spruill *vs.* Leary was presented to the court, and the former decision was overruled and his dissenting opinion affirmed, and henceforward it was conceded that, though others might be his superiors in versatility of talents, literary culture, or variety of erudition, in the realm of common law, technically so called, he stood alone and without a peer.

Upon the death of Chief-Justice Nash, in 1858, he was chosen Chief-Justice of North Carolina. Having been an old-line Whig all his life, he was opposed to and voted against the policy of secession, remaining a consistent Union man throughout the war; though as he took no part in politics, and it would have been difficult to have filled his place, he remained in office as Chief-Justice during the whole time. During these exciting times he took a very bold stand in support of the integrity of the writ of *habeas corpus*, and would not countenance the idea of its suspension, in spite of the strong pressure brought to bear, and by his independent and almost defiant attitude on this question, rendered himself exceedingly unpopular

with both the State and Confederate executive officers. For a time he was the only Judge who would grant the writ of *habeas corpus*, and his home in the mountains, Richmond Hill, was besieged night and day by applicants for the relief of men who claimed to be illegally conscripted and arrested. People from every section of the State appealed to him to hear and determine their rights, and at times there were as many as two or three hundred men and horses at Richmond Hill awaiting his decisions.

In 1865 he was a candidate for the Constitutional Convention, but was defeated by Mr. Haynes. He was appointed Chief-Justice under the provisional government, and upon the adoption of the new constitution, in 1868, having received the all but unanimous vote of both political parties, he was again elected Chief-Justice, and continued to hold that office until his death, in January, 1878.

Viewing the bold course that he had pursued during the war, and the unpopularity that he had incurred in official quarters, this unanimous re-election by the people may be regarded as the most sincere and significant tribute to his character and talents that has ever been paid to him.

In the fall of 1868 he published an address setting forth his reasons for intending to vote for General Grant for President; and though he never attended a political meeting, delivered a political speech, or otherwise took any part in the excited politics of that day, he was charged by the general public with being a partisan judge. Colonel Kirk, acting under the orders of Governor Holden, had refused to obey the writs of *habeas corpus* in the cases of Moore and others, and the counsel for the prisoners moved for an attachment against Kirk and for an order to the sheriff to take the bodies by force out of his custody; after much excited discussion at the Bar, Chief-Justice Pearson addressed a communication to the Governor, asking to be informed if he avowed the order to Colonel Kirk, but had no communication with him either directly or indirectly. The Chief-Justice drew up four questions upon which he desired to hear argument from the Bar, and the addresses of

counsel upon these occupied four days. In his opinion he decided, *first*, that under the statute the Governor was authorized to declare a county to be in a state of insurrection and to arrest suspected persons; and *second*, he declared the law to be that the privilege of the writ of *habeas corpus* was not suspended, and that it was the duty of the Governor to allow the prisoners to be delivered up to the civil authorities for trial. This prevented a trial by a military court, and ought to have been followed by an immediate return of the bodies of the prisoners. An order was also made to the Marshal to bring the prisoners before the Chief-Justice, and he was instructed to exhibit the order, together with a copy of the opinion, to Governor Holden. Having set out the matter plainly before the Executive the responsibility of refusing to revoke the orders clearly rested with him.

In his communication in reply, the Governor recited that his authority to declare a county to be in a state of insurrection and to arrest suspected prisoners, was conceded by the Chief-Justice, but altogether evaded the fact that the main point had been decided against him, and thus an erroneous impression was conveyed to the public that the Chief-Justice had, to some extent, concurred in the refusal to revoke those orders and the delay consequent thereon. The Governor, in avowing his orders to Colonel Kirk, took the ground that the public safety did not allow him at that time to allow the writs to be obeyed. Writs were also issued by the Chief-Justice in Wiley and others, to which the same reply was made, and he left Raleigh under the impression that the Governor would at a future day allow the bodies to be returned, which course was pursued soon afterwards, and, on the examination before the Chief-Justice and Justices Dick and Settle, they concluded that there was probable cause developed by the evidence to make the prisoner liable for murder.

The Reconstruction acts and the Constitution of 1868 were unpopular, but they were the fundamental laws under which the State government had to be administered, and, as a Judge, he was sworn to support them; he could only

say what the law was, not what it ought to be, and when these popular prejudices are forgotten these decisions considered simply as judicial expositions of the law will stand side by side with the ablest of his life. In 1870 imputations of the gravest character were made against him in connection with the *habeas corpus* cases which created such intense feeling at that time, which he felt to be so undeserved that he wrote a memorial to the General Assembly of North Carolina, which has been published since his death, in which he completely exonerates himself from the charges of corruption and venality in his official conduct.

He left his home, at Richmond Hill, on 5th January, 1878, in his usual health, to attend the January term of the Supreme Court at Raleigh, and whilst in his buggy was stricken with paralysis of the right side of the brain and was never conscious afterwards, dying at Winston, N. C., January 5th. His remains were taken to Raleigh, where they lay in state at the capitol, and were buried at Oakwood Cemetery. A memorial meeting of the Bar was held, at which resolutions were passed expressing the great loss the Bar had sustained by his death, and their sincere sympathy with his family, and eloquent tribute was paid by Colonel T. C. Fuller, C. M. Busbee, Judge E. G. Reade, R. T. Gray, Governor Vance and others, alike to his eminent abilities as a judge and to his private worth.

Elected a Judge when he was but thirty-one years of age, he presided over the courts of North Carolina for more than forty years, for nineteen years of which he filled the highest judicial station in the gift of the people of the State. It is said, on good authority, that after the death of Chief-Justice Chase, the commission of Judge Pearson as Chief-Justice of the United States was made out and signed by President Grant; but ascertaining that Judge Pearson was in his sixty-eighth year, the President cancelled it, and appointed Chief-Justice Waite. He was the greatest common-law lawyer the State has ever produced among the many honored names which have stood in the front rank of American jurists. He possessed great grasp of intellect and une-

qualed reasoning powers, added to a wonderful ability for dissecting intricate and complicated cases. The facility with which he seized the strong points of a question was amazing, and he always presented his views plainly, logically and directly. He had, by close study of the science of law, acquired such an accuracy in his method of thought that his knowledge of the principles, and the reasons upon which they are founded, appeared to be intuitive, and his opinions were quoted with the highest commendation in the courts of other States, and in England where his opinions have been quoted three times in Westminster Hall. He was a terse and pithy writer, and his judicial opinions, spread over many volumes of the "North Carolina Reports," will be a lasting monument of his claim to greatness. As an instructor in law he was without superior, and possessed a remarkable facility of imparting his knowledge in a simple yet clear and thorough manner, to others. A devoted admirer of Coke upon Littleton, he always impressed upon his students the necessity of studying those commentaries closely, and attributed much of his own proficiency in the law to the assiduity with which he had studied his favorite author in his earlier years. The secret of his great strength lies in the fact that through his law-school he had won the respect and friendship of the majority of the lawyers of the State. With but very few exceptions those who had studied law under his tuition never ceased, in after life, to regard him with affection and veneration. The young disciples of the law, who surrounded him in his mountain retreat, felt towards him almost like children to a father. He would walk and talk with them in the shades of Richmond Hill very much as Socrates and Plato are said to have done in the shady groves of the Lyceum. Indeed his method of instruction resembled in many respects that of the ancient philosophers of Athens. For forty years he had never opened the pages of Blackstone for the purpose of hearing a recitation; he was so well acquainted with the book that he never had occasion to consult it. His method was to ask a question, and if the student missed it, not

to tell him so, but to ask another and another until the student answered aright, and then make him compare his answers until he was convinced of the error of his first response. It is estimated that more than half of the practising lawyers in North Carolina are alumni of his school; certainly a large majority of those who have distinguished themselves in the State received their early training from him. In the city of Raleigh alone, two justices of the Supreme Court, the attorney-general, the mayor of the city, the United States district-attorney, and the two lawyers who command unquestionably the largest and most lucrative practice in the State, are all old students of his, and he took as much pride in the honors they attained as though they had been his sons. The most earnest aim of his life was to win the respect of his fellow-citizens, and if his judicial action at times provoked sharp and bitter criticism, it is certain that their censures were directed less at the man than at his political influence. These hostile criticisms considered in connection with the proceedings had after his death, seem to justify the encomium pronounced upon his character, viz.: that "his courage was greater than his ambition, and that his sense of right was stronger than his love of praise." It might be said of him as it was said of William Pitt, that among the many great men whose lives have illustrated the judicial history of his State, "scarcely one has left a more spotless, and none a more splendid name." In all the storm of adverse criticism that raged about him, he enjoyed the consolation of a *mens sibi conscia recti*, and he had an abiding faith that the day would come, after prejudice and passion had passed away, when all his fellow-citizens would give him credit for having discharged his duty conscientiously and courageously without fear or favor, or hope of reward.

As a man he was distinguished for his honesty of purpose, unbending integrity, inflexible idea of justice, and conscientious devotion to what he considered to be his duty. While to the eyes of the world he seemed somewhat cold and austere, to those who knew him intimately he was a genial, generous, warm-hearted man, plain

and simple in his tastes, and many a young lawyer, struggling to obtain a foothold in his profession, has owed his success to his generosity and substantial sympathy and kindness. A devoted father, he made of his children companions and friends, and his heart, tender as a woman's, was ever prompted to acts of true benevolence and charity.

He was twice married; first, June 12th, 1832, to Margaret M. Williams, daughter of United States Senator John Williams, of Tennessee, and niece of Hugh L. White, also United States Senator from Tennessee and Whig candidate for the Presidency in 1836; and second, in 1859, to the widow of General John Gray Bynum, and daughter of Charles McDowell, of Morganton, N. C.

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#### COLONEL L. L. POLK.

NORTH CAROLINA.

**P**LEONIDAS L. POLK was born, April 24th, 1837, in Anson county, N. C. His family is of Irish extraction, and several of its members were honorably distinguished in the early history of this country—Thomas Polk, one of them, having been a signer of the Mecklenburg Declaration of Independence, made May 20th, 1775, and a Colonel in the Revolutionary army, and William Polk, another, an active participant in the struggles of that day. He is the son of Andrew Polk, a farmer, of Mecklenburg county, N. C., and was himself brought up and educated for the same pursuit. After attending the schools of his native county, he took an irregular course in 1855 and 1856 at the Davidson Presbyterian College in Mecklenburg county, applying himself especially to the study of scientific agriculture. Meanwhile, he lost, at the age of fourteen, both father and mother, and was thrown on his own resources. In 1857 he married Sarah P. Gaddy, daughter of Joel Gaddy, a prosperous farmer, and having purchased the old homestead in Anson county from his father's executors, addressed himself in good earnest to farming, which he looked upon as the business of his life.



The Whigs of his county nominated him in 1860 for the lower branch of the State Legislature, and elected him at the head of the ticket, although he made the canvass openly as a Union man, putting aside all questions of merely State politics, and resolutely staking his election on the simple issue of Union or Disunion. The Whigs in the Legislature, when it met, exerted their utmost power to prevent the passage of the bill calling a State Convention, and did manage to check it for a time; but President Lincoln's proclamation, calling on North Carolina for troops to invade her sister State, at last cut the ground from under their feet, and swept them all away, making them, and him among the rest, as eager for secession as they had been heretofore zealous against it. The Legislature, to which he had been chosen, held two extra sessions, at the first of which was called the Convention that passed the ordinance of secession on the 20th of May, 1861, and at the second, held in the fall of 1861, measures were taken to put the State on a war footing, the chief of these measures being a very rigid militia law, making the whole population liable to military duty, and, of course, requiring for its due enforcement men of unusual energy and determination, as well as of stern impartiality. Of those selected for this delicate and difficult service he was one, and, what made the service still more trying to him, he was detailed for his own county, in which he personally knew almost every citizen. Nevertheless, he accepted the position, and performed its duties, receiving the commission of a Colonel, and organizing the militia under the law until May, 1862, when he volunteered as a private in Colonel Vance's regiment, the Twenty-sixth North Carolina. In this regiment he was appointed Sergeant-Major by his Colonel, having been previously offered a Captaincy, which he declined. The regiment remained at Kinston until the latter part of June, when it was ordered to Richmond, where it participated in the Seven Days' fight around the city, terminating at Malvern Hill, in which it was badly cut up, and after which, forming part of Pettigrew's brigade, it stayed in

the vicinity of the James and in the eastern part of Virginia and North Carolina until the following year, fighting during the fall and winter around Newbern, Washington and Plymouth. Previously, in August, 1862, he was selected by the officers of the regiment to present, on their behalf, a sword to Colonel Vance, who had been elected Governor of North Carolina, and was about to take leave of his regiment. In February, 1863, he was unanimously elected Lieutenant of his company, in the Forty-third North Carolina Regiment, to whose Colonel (Kenan) he reported at Kinston. His regiment remained in the Eastern District of the State till the ensuing June, when it was taken to Virginia, and placed in the army of General Lee, then on the point of advancing against Gettysburg, though at the beginning of this advance he was so ill as to be compelled to accept a furlough for a short time, and did not overtake the regiment, after he was able to set out, until he reached Shippensburg, Pa., having marched on foot in pursuit of it from Staunton, Va., a distance of two hundred miles. His regiment at this time formed part of Daniel's brigade in Early's corps, and, by severe marching, reaching Gettysburg on the morning of the 1st of July about eleven o'clock, entered the battle without a moment's delay, and fought till nearly dark, losing a large number of men, but capturing fourteen hundred prisoners. In the final charge, his regiment being enfiladed by a battery, a shell exploded just before him, inflicting a severe wound in his foot, from the effects of which he became delirious for days, and was carried back to Petersburg, Va., where he had the good fortune to fall under the care of Mrs. C. M. Page, who nursed him with the tenderness and devotion of a mother. He recovered so rapidly that during August he rejoined his regiment at Orange Court-House, on the Rapidan river, and engaged immediately in the severe duty imposed on the troops there, building breast-works, skirmishing and constant drilling, all the while exposed, poorly clad, to the bitterest of weather. After the long march and incessant skirmishing with General Meade's army, on General Lee's flank-

ing it out of Culpepper Court-House, his regiment returned in November to its old position on the Rapidan, marching through sleet and snow, wading rivers, and undergoing all the hardships incident to soldiering in the Confederate ranks, to which it continued subjected in front of the enemy through the winter until January 7th, 1864, when it was detached, and sent back to North Carolina on special duty under General R. F. Hoke. In April it assisted in opening the spring campaign, by participating in the storming of the forts and breastworks at Plymouth, N. C., defended by General Weitzel, the result of which was the taking of two thousand six hundred prisoners, with large quantities of munitions of war. His regiment was next ordered to Petersburg, Va., at the time of General Butler's demonstration against Richmond up the James river, nearly the whole of the Confederate troops in Virginia being absent on the Spottsylvania campaign, insomuch that General Beauregard, in command of the defences of Richmond, had scarcely a full brigade at his disposal, and was forced to pick up detached bodies from every available point. The brigade to which his regiment belonged had consequently to perform never-ending marches and counter-marches, being hurried from place to place as the rumor of the Federal advance changed from one point to another. On the 16th of May Beauregard attacked Butler, in which engagement his regiment held a very exposed position, shooting away during the day sixty-six rounds of cartridges. It then joined General Lee, as he was falling back from Spottsylvania, and was engaged against General Grant at North Anna Bridge, Hanover Junction, Bethesda Church, and other points, losing heavily at all. On the 13th of June it was ordered to Lynchburg, for the purpose of opposing Hunter, who threatened that city, and, following him across the mountains to Salem, entered upon one of the severest campaigns of the war, throughout which he was present with his regiment, taking part in every skirmish and engagement in the Valley, including the battles of Washington City, Semeker's Ferry, Bunker

Hill, Berryville, Kerns Town, Fisher's Hill, Cedar Creek, and Winchester, the regiment being under fire forty-one times in the course of the summer. While serving in the Army of Virginia in 1864, he was nominated for the Legislature of North Carolina, and, though unable to share in the canvass or even to present himself before the people, was triumphantly elected. On leaving his regiment to accept the honor thus thrust upon him, his fellow-officers, it should be stated, passed resolutions highly complimentary to him, which were published in the newspapers of the day. Mindful of his old comrades in arms, one of his first acts as a legislator was the introduction of a resolution relieving wounded soldiers from the necessity of personally applying at head-quarters for an extension of their furloughs, cases of great hardship having occurred in which even men on crutches had to travel great distances to seek an extension which should have been obtained nearer home. The term of his legislative service on this occasion was in the dark days of the Confederate cause, and almost all proceedings were had in secret session, the records of which must now be sought at Washington, whither they were taken when the end had come. It was a time for action, not for words, and it may be safely said that he bore himself in a manner befitting the crisis. An extra session of the Legislature was called for April, 1865, but before that time Sherman's army entered the State, and shortly afterwards the surrender took place at Greensboro, N. C. At this time he was on his farm.

All was now over. The Confederacy had collapsed, the negroes had been freed and had left, and, as if to deal the *coup de grace* to him in particular, Wheeler's cavalry passing through the country stripped him of every article of food and forage, leaving him and his wife, with two baby girls, to begin the world anew, which they bravely did, although his wife was totally unacquainted with household work. Accepting the situation, they turned their backs on the past, and went cheerfully about the stern business of the present: she to her domestic duties, and he

to the plough. For seven years he toiled early and late, working in the fields with such assistance as he could get, and doing himself everything required to be done on a farm, from making a horse-shoe to building a house. In the summer of 1865, he was urged to become a candidate for a seat in the State Convention ordered by President Johnson, through Governor Holden, but, having determined to eschew politics altogether, he declined, until, at length, yielding to the repeated solicitations of his friends, he consented two days before the election to stand for the place, and was elected by a considerable majority. His service in the Convention ended, he returned to the plough, and has since uniformly and firmly refused to accept any political office whatever. In 1865 and 1866 he served as a magistrate, and for two years edited a local newspaper called "The Ansonian," besides conducting his farm and an extensive mercantile business. In 1873, the Carolina Central Railroad approaching his farm, he built upon a tract near the line a village, called Polkton in his honor. He was Chairman of the Committee of the State Grange of North Carolina, and assisted in drawing the bill for the establishment of the Department of Agriculture, the passage of which, by the Legislature, he was deputed to promote and succeeded in effecting. The bill as passed provides for a Commissioner of Agriculture, to be elected by the State Board of Agriculture, to consist of the Governor of the State, the President of the State Agricultural Society, the President of the State University, the State Geologist, the Master of the State Grange, and two practical agriculturists. By this Board, duly organized under the law, he was chosen Commissioner, April 6th, 1877, and at once entered upon the discharge of the responsible duties of the office. The system of the department, as defined in the law, is more comprehensive than that of any other like department in the United States, and the system finds in him a zealous and efficient administrator. Himself a thoroughly practical agriculturist; familiar by actual experience with every branch of the art, and taking delight in all of

them, the performance of his official duties is to him a labor of love. He has visited in the interest of his department a large number of the counties of the State, and has collected from every county of the State specimens of its products, the whole of which collection is displayed in his office, where he is never weary in affording information to inquirers, in advising those who consult him, and in setting forth generally the strong claims of the old North State to the attention of capitalists and settlers. His courtesy is as inexhaustible as his information, rendering intercourse with him not more profitable than pleasant. In addition to being State Commissioner of Agriculture, he is Vice-President of the National Emigration Bureau at Philadelphia. He is a member of the Baptist denomination, in everything tending to the interests of which he has always manifested a lively concern. In the establishment of Sunday-schools especially he has taken a marked interest. He has written a history of his old regiment, the Forty-third North Carolina, which he purposes shortly to publish in book form. From the glimpse of the achievements of this regiment given above, it is safe to infer that the volume will be an interesting one.

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REV. B. M. PALMER, D. D.

LOUISIANA.

**B**ENJAMIN MORGAN PALMER was born January 25th, 1818, at Charleston, S. C. The Palmers are of English descent both on the paternal and maternal side, and their ancestors migrated to this country in the earliest days of its settlement, making New England their home. From the earliest known records the Palmers have followed the clerical profession, and most of them have attained to a ripe old age. Rev. Samuel Palmer, the great grandfather of the subject of this sketch, was a native of Barnstable, Mass.; a graduate of Harvard College in 1727; ordained at Falmouth, Mass., in 1730; and died in 1775, aged sixty-eight. Job Palmer, his son,

emigrated from Massachusetts to South Carolina previous to the Revolutionary war, and settled in Charleston, where he died in 1845, in his ninety-seventh year. He had two sons, who became scholars and ministers—the eldest, Rev. Benjamin M. Palmer, D. D., was born in Philadelphia while his parents were residing in that city, having been driven from their home in South Carolina by the revolutionary struggle; he was a graduate of Princeton; for many years pastor of the Circular Church, Charleston, and died in 1847, in the sixty-seventh year of his age. Edward Palmer, the second son of Job, married Sarah Bunce, a sister of his brother's (Rev. B. M. Palmer) wife, and after his marriage determined to study for the ministry. He went to Andover, Mass., where he entered the academy, and from thence went to the seminary without taking his course at the college; he had attained such proficiency in his studies, however, that by a special application he was granted the degree of B. A. by Yale College. He returned to South Carolina and commenced his ministry at Dorchester, about twenty-four miles from Charleston; after some years he removed to Walterboro, S. C., where, and in the Beaufort District, he has since resided. He is still living (1879), and in his ninety-first year preaches regularly every Sabbath. Benjamin Morgan Palmer, his son, passed his childhood in a country district where there were no schools. His mother took charge of his early education, and laid the foundation for a sound English education. When his parents removed to Walterboro he was enabled to avail himself of the schools of that town, and having mastered all they could teach him, it was determined, though at the unusually early age of fourteen, to send him to one of the Northern colleges. Accordingly, in 1832, he entered Amherst College, Massachusetts, where he spent part of two years. He was the only student from South Carolina at that time in the college, and party feeling running high among the students as well as their elders, his position became one of much discomfort, and although he had almost completed his sophomore year, he returned home in 1834, and spent the two following

years in teaching. At the commencement of 1837 he entered the University of Georgia, at Athens, in the junior class, and graduated thence with distinction in August, 1838.

On the 1st of January, 1839, he entered the theological seminary at Columbia, S. C., and remained there until he had completed the divinity course. He was licensed to preach the gospel by the Presbytery of Charleston, April, 1841, and finally left the theological seminary in July of that year. He commenced his ministry at Anderson, S. C., and, after three months, removed to Savannah, Ga., in answer to a call from the First Presbyterian Church of that city. In the spring of 1842 he was ordained, and installed pastor of that church by the Presbytery of Georgia, but his pastoral relation was dissolved in the winter of that year by his acceptance of a call from the Presbyterian Church of Columbia, S. C., to which he removed in the beginning of 1843. In 1847, in association with the Rev. Drs. Thornwell, Howe, Smythe, and others, he was one of the projectors and editors of the *Southern Presbyterian Review*, an influential religious quarterly published at Columbia, S. C., which has maintained an uninterrupted existence through a period of thirty-two years to the present time. In 1852 the Oglethorpe University, of Georgia, conferred upon him the honorary degree of Doctor of Divinity. In 1853, while still in charge of the Presbyterian Church at Columbia, he became Professor of Ecclesiastical History and Church Polity in the Theological Seminary at Columbia, and filled the two offices conjointly until the close of 1856. During a visit to the Southwest, in the winter of 1855, in the interest of the theological seminary, he had been brought into contact with the First Presbyterian Church of New Orleans, then vacant by the removal to California of its former pastor, Rev. Dr. Scott. Protracted negotiations ensued, which resulted in his accepting a call to that church, of which he was installed pastor in December, 1856.

Although thoroughly identified with the "Old School" of the Presbyterian Church, he was too young to take part in the memorable contro-

versy which led to the disruption of the Old and New Schools, in 1837. His sympathies, however, were from the first strongly enlisted on the side of a strict construction of the Constitution of the church, and he participated in the discussions in opposition to the Boards and on the elder question. He passed a quiet novitiate, and about the year 1853 began to acquire that reputation which has since made him the most influential and widely known divine in the Southern Presbyterian church. He received numberless calls, many of them from the large centres of population in the East and West—three or four from Philadelphia, several from Cincinnati, and other cities—and was several times a delegate to the General Assembly.

Although taking but little part in politics, he entertained strong views on the more important political questions of the day, and, as in the church, was a stickler for a strict interpretation of the Constitution. Too young to take part in the nullification agitation, by which his native State was stirred to its depths, he was an earnest supporter of the secession movement. Though deprecating under ordinary circumstances the interposition of the clergy in political questions, he rightly considered that in the latter part of 1860, when Abraham Lincoln was elected to the Presidency on a purely sectional issue, the crisis had come when every patriotic Southerner should speak out with no uncertain sound, at a time when the liberties and the destiny of a great people were in peril. In a sermon delivered in the First Presbyterian Church of New Orleans on Thursday, December 29th, 1860, Thanksgiving Day, he says: "Is it immodest in me to assume that I may represent a class whose opinions in such a controversy are of cardinal importance—the class which seeks to ascertain its duty in the light simply of conscience and religion, and which turns to the moralist and the Christian for support and guidance? The question, too, which now places us upon the brink of revolution was, in its origin, a question of morals and religion. It was debated in ecclesiastical councils before it entered legislative halls. It has riven asunder the two largest re-

ligious communions in the land; and the right determination of this primary question will go far toward fixing the attitude we must assume in the coming struggle. I sincerely pray God that I may be forgiven if I have misapprehended the duty incumbent upon me to-day; for I have ascended this pulpit under the agitation of feeling natural to one who is about to deviate from the settled policy of his public life. It is my purpose—not as your organ compromising you, whose opinions are, for the most part, unknown to me, but on my sole responsibility—to speak upon the one question of the day; and to state the duty which, as I believe, patriotism and religion alike require of us all. . . . As it appears to me, the course to be pursued in this emergency is that which has already been inaugurated. Let the people in all the Southern States in solemn counsel assembled reclaim the powers they have delegated. Let those conventions be composed of men whose fidelity has been approved—men who bring the wisdom, experience and firmness of age to support and announce principles which have long been matured. Let these conventions decide firmly and solemnly what they will do with this great trust committed to their hands. Let them pledge each other, in sacred covenant, to uphold and perpetuate what they cannot resign without dishonor and palpable ruin. Let them further take all the necessary steps looking to separate and independent existence, and initiate measures for framing a new and homogeneous confederacy.

Thus prepared for every contingency, let the crisis come. Paradoxical as it may seem, if there be any way to save, or rather to reconstruct the Union of our forefathers, it is this. . . . It only remains to say that, whatever be the fortunes of the South, I accept them for my own. Born upon her soil, of a father thus born before me—from an ancestry that occupied it while yet it was a part of England's possessions—she is in every sense my mother. I shall die upon her bosom; she shall know no peril but it is my peril—no conflict but it is my conflict—and no abyss of ruin into which I shall not share

her fall. May the Lord God cover her head in this her day of battle!"

This sermon created a profound sensation, and opened his hearers' eyes to the imminence of the danger and the necessity of being prepared to meet it. The breaking out of the war developed a fierce political spirit among the Old School Presbyterians in the Northern States, and at the meeting of the General Assembly in Philadelphia, in the spring of 1861, a resolution was passed declaring "its obligation to strengthen, uphold, and encourage the Federal government," and professing its "unabated loyalty to the Constitution," as interpreted by the Federal government, carefully defining this to be "that Central Administration," existing at any given time. This resolution, introduced by Dr. Spring, of New York, rendered it obligatory on all ministers, Southern as well as Northern, to take the side of the Federal government in the impending struggle; and, as it was impossible that those in the South, whose sympathies almost to a man were with their section, should do this, a rupture was inevitable. This led to the organization of the Southern Presbyterian Church, in which Dr. Palmer took a prominent part. The first General Assembly met in Augusta, Ga., in December, 1861; Dr. Palmer was chosen Moderator and opened the proceedings with a sermon. This Assembly represented forty-seven presbyteries scattered through eleven Southern synods, and the grounds of their separation from the Northern Church were set forth by the Rev. Dr. Thornwell in a paper entitled "An Address to all the Churches of Jesus Christ throughout the Earth." The following extracts show the grounds of their separation, and the views of the Southern Presbyterian Church on the question of slavery:

"We have separated from our brethren of the North as Abraham separated from Lot—because we are persuaded that the interests of true religion will be more effectually subserved by two independent churches, under the circumstances in which the two countries are placed, than by one united body. In the first place the course of the last Assembly at Philadelphia

conclusively shows that if we should remain together, the political questions which divide us as citizens will be obtruded on our church courts, and discussed by Christian ministers and elders, with all the acrimony, bitterness and rancor with which such questions are usually discussed by men of the world. . . . An Assembly composed of representatives from two such countries could have no security for peace, except in a steady, uncompromising adherence to the scriptural principle that it would know no man after the flesh; that it would abolish the distinctions of Barbarian and Scythian, bond and free, and recognize nothing but the new creature in Christ Jesus. The moment it permits itself to know the Confederate or the United States; the moment its members meet as citizens of those countries, our political differences will be transferred to the house of God, and the passions of the forum will expel the spirit of holy love and of Christian communion. . . . We have never confounded Cæsar and Christ; and we have never mixed the issues of this world with the weighty matters that properly belong to us as citizens of the kingdom of God. . . . We would have it distinctly understood that in our ecclesiastical capacity we are neither the friends nor the foes of slavery—that is to say, we have no commission either to propagate or abolish it. The policy of its existence or non-existence is a question which exclusively belongs to the State. We have no right, as a church, to enjoin it as a duty, or to condemn it as a sin. Our business is with the duties which spring from the relation—the duties of the masters on the one hand, and of the slaves on the other. These duties we are to proclaim and to enforce with spiritual sanctions. The social, civil, political problems connected with this great subject transcend our sphere; as God has not intrusted to His church the organization of society, the construction of governments, nor the allotment of individuals to their various stations."

In May, 1862, when New Orleans fell into the hands of the Federal forces, Dr. Palmer was in attendance on the session of the General Assembly of the Southern Presbyterian Church, at

Montgomery, Ala., and did not return to the former city until the summer of 1865. He made his home in Columbia, S. C., and, though he held no regular commission, spent a considerable portion of each year in preaching to the Western army, moving about from point to point as the exigencies of the war demanded, and returning to Columbia during the sessions of the theological seminary, of which he was the Provisional Professor of Theology, in place of Rev. Dr. Thornwell, his intimate friend, who died in August, 1862.

The war over, he returned to New Orleans, where he has since resided, exerting his powerful influence for the advancement of his church and for the best interests of his fellow-citizens. In May, 1869, the Old School Northern Assembly of the Presbyterian Church made overtures for reunion with the Southern church, which led to a review of the whole question in a series of articles published in the *Southwestern Presbyterian* under the signature of "Presbyter," a *nom de plume* adopted by Dr. Palmer. With scathing irony he exposes the political character of the Northern church, its sycophancy to the Federal government, its tyrannical character, its slanders against the Southern church, and its tendency to imperialism. It would be impossible, in the space at our disposal, to give, in sufficient detail to be understood, the various deliverances of the Northern church during the four years of the war, in which the Southern church was charged with treason, rebellion, anarchy, fraud, disloyalty, schism, disturbance, conspiracy, etc., etc. In 1865, shortly after the cessation of hostilities, and when the South lay panting and bleeding under the heel of the conqueror, it might be supposed that a more Christian spirit would prevail in the Northern church towards their Southern brethren; but, on the contrary, nothing was seen but the flush of fierce exultation in the hour of triumph, and not a whisper was heard but of vindictive retribution. We find the Northern Assembly of that year adopting a policy exactly similar to that of the government towards the seceded States. As the government claimed the right to coerce the

seceded States back into the Union, so the church would coerce the "schismatical" presbyteries back into their old ecclesiastical fellowship. And precisely the same measures of reconstruction were proposed in the church which had worked so awkwardly in the State, viz.: a wholesale disfranchisement of all who were suspected of disloyalty, and the erection of petty minorities in churches and church courts, into churches and courts in whom all the rights and franchises of a true succession were to vest; and if this scheme of disintegration did not generally succeed, the failure was due to the wonderful unanimity of the members of the Southern church, presenting so few fissures in which to drive the wedge of division and strife.

As we are writing a biographical sketch of a gentleman representing the opinions of a large and important class, fairness demands that we should present the facts from his own standpoint; and accordingly we make the following extracts from Dr. Palmer's articles, representing the views of the Southern church on the question of slavery, for which they were so vindictively arraigned by their Northern brethren:

"Slavery, as one of the many forms of human servitude, we have always regarded as one of the consequences of the Fall. Evolving itself out of the curse of labor, pronounced upon man for the primary transgression, it is simply one of those adjustments of Divine Providence by which the necessary subordination in human society is in part secured. In a state of society absolutely perfect, and amongst beings themselves absolutely sinless, slavery, we suppose, would not exist. We cannot conceive of it, for example, as an element of the society in heaven. But it is the sad mistake of those philanthropic visionaries to legislate for a condition of things purely ideal, such as never can be realized in a fallen world, making 'confusion worse confounded,' and establishing universal anarchy in the stead of the imaginary perfection which is the dream of their fancy. We, on the contrary, accept the stubborn fact that ours is a sinful race, placed here under the discipline of a wise and just government; whose method is not to take evil out

of the world, but to transform it, converting it into a stupendous educational system, softening and sanctifying it into an ultimate blessing. We do not profess to understand the vast and complex machinery of Divine Providence, with its immense adjustments and compensations, by which one form of evil is set over against another, mutually limiting and mutually controlling; and all in subordination to the purposes of Infinite mercy and love, gradually disciplining a sinful race to a higher and more glorious destiny. But we can adore where we cannot comprehend. We can admire that combined wisdom and grace which takes poverty and pain, and weakness and disease, and sorrow and death, transforming them all into a mighty and loving discipline for good. This, then, is the 'category,' if our adversaries will deign to believe us, in which we place slavery. One of the processes by which a just, yet beneficent, Providence disciplines and trains sinful man is servitude; and one of the many forms in which that servitude is allowed to shape itself is slavery. At the very opening of history, after the deluge, we meet the mysterious decree of Jehovah, which doomed a portion of the race to servitude; a doom from which, through the whole tract of succeeding history, they were never extracted; and which seems to have the power of drawing within its dark shadow even those who would be their guardians and protectors. . . . Within the sixty years which have elapsed since the abolition of the African slave trade, a race of wild and naked savages has been lifted to a degree of knowledge and virtue which, in the estimation of our Northern brethren, justifies them in packing these new-born freedmen into our Legislatures and courts, to enact and expound the laws under which we live. It is the highest encomium they could pronounce upon the value of slavery as a grand educational and disciplinary system. And though we think they slightly overestimate the benefits this system has conferred, we agree with them so far as to believe that the world may safely be challenged to produce a like example, in which a barbarous people, at the very lowest point of human degrada-

tion, has been civilized, refined and Christianized in so short a time. . . . As respects the Christian sentiment of the South, it regarded slavery in the light of a great and solemn trust. Pharisaic Puritanism will of course indulge in its usual pious sneer at the statement. Still we will put it on record, that a Christian people could not construe the providence which called them to receive into their homes four million of an alien, a barbarous and heathen race, but as a commission from God to educate them for eternity and heaven. With some measure of fidelity the Southern church devoted herself to this great duty: a fidelity which the Northern Assembly itself has more than once seen fit to mention in terms of honorable praise, and which has received the signet of the Divine approval in the blessing that has accompanied these labors, and in the large results accruing from them. So long as this trust was continued to us in the working of a mysterious Providence, just so long it was to be cherished and its sacred duties fulfilled. The infidel humanitarianism which 'opposed and exalted itself above all that is called God, or that is worshipped,' was stoutly resisted when it proclaimed its 'higher law' above the teachings of Divine Revelation. Slavery being the object of its assault, had to be religiously defended; not so much for its own sake, but because it was the battle-field on which must be fought that peculiar and subtle infidelity of modern times which was seeking to undermine the foundations of Christianity itself. But no sooner did the issues of war settle the question of the continuance of slavery, than the Christian heart of the South accepted the solution of this vast problem which Providence itself afforded. We are now, by the hand of God, discharged from the trust which had previously been equally difficult to fulfil and perilous to let go. Notwithstanding the fact that three-fifths of our property was virtually confiscated by the stroke of the pen which decreed emancipation, with the additional loss of another fifth in the depreciation of our landed estates, yet in all this widespread financial ruin not a whimper of complaint has been heard from Southern lips.



Slavery was one of the stakes of the war; the decision of the sword was against us, and our people accepted without a murmur the result of the struggle. They were too manly to whine over what was irreparable, and took poverty to their bosom as though it were a bride. The piety of the South went deeper. It acknowledged the hand of God in cutting the knot, the most vexatious of the age; and in freeing it from all the responsibilities of a trust which must be 'conserved' so long as it remained, and from which there could be no discharge but through the omnipotence of his own will. Whether the negro race can properly use the privileges of that freedom upon which they have been so suddenly precipitated—whether the degeneracy in character now so apparent will be confined to a brief and transitional period—whether they can ever be educated, even by the forced culture to which they are now subjected, to a due appreciation of their duties and franchises—are questions which we will not in this connection discuss. We would not so much as embarrass the outworking of this problem by the expression of an unfavorable opinion. We are the friends of the black man now, as we were his guardians and protectors before; we wish him well in his new career, and, so far, as may be consistent with the higher duty and respect which we owe to our own race, we would help him onward in the ascending path to usefulness, happiness and honor. So far as in us lies, we would retain him under the influence of a pure and wholesome Christianity, and prevent his relapse into the fetishism of his pagan ancestors. But whatever his destiny may be, we are clear to say for ourselves, that, were it in our power to accomplish his return to bondage by the simple turning over of the hand, that hand would lie unmoved upon the table which is before us. 'Is he made free? let him use it rather,' and 'abide in the calling wherein he is called.' Nor is this a singular crotchet of the writer alone; we are very sure that the entire virtue and intelligence of the South agree in this verdict. With perfect consistency the most earnest pro-slavery advocates in the South, who con-

tended for the conservation of slavery while the institution existed, consent to be divested of all its grave responsibilities as soon as the institution is destroyed, without the intervention of their agency.'

The long-pending negotiations between the Old and New Schools, North, culminated, in November, 1869, in the fusion of the two bodies, and consequently no reply was possible to the overture of the Old School Church, North, as it had no longer a separate corporate existence, and survived only as a constituent part of a new and larger body. At the meeting of the General Assembly of the Southern Presbyterian Church, at Louisville, Ky., in May, 1870, this overture was renewed from the reunited General Assembly of the Presbyterian Church in the United States of America, then in session in Philadelphia. The matter was referred to the Committee on Foreign Correspondence, of which Dr. Palmer was the Chairman, who decided that, as long as the injurious accusations preferred against the whole Southern Presbyterian Church remained on record, they were an impassable barrier to official intercourse. A pastoral letter, in explanation of this action, was prepared by Dr. Paimier, and a copy sent to every minister and every ruling elder in the church. Some years later a further overture was made by the reunited Northern church, and committees were appointed on either side to ascertain if the matter would admit of adjustment. The Committee of Conference, of which Dr. Palmer was a member, met at Baltimore, but no satisfactory result was arrived at; similar overtures have been made from time to time since that conference, but the matter has now been finally dropped on both sides, without any agreement being reached. The Southern church had no desire to exact any humiliating confession from their Northern brethren, but simply desired that they should express regret for the offensive expressions used in a time of great political excitement. In September, 1875, a lengthy correspondence took place between Rev. Dr. H. A. Nelson, of Geneva, N. Y., and Dr. B. M. Palmer, upon the relations subsisting between

the Northern and the Southern Presbyterian Churches. The correspondence was conducted in the best possible spirit, and as representing the opinions of representative men on both sides of the question, was published in the *Southwestern Presbyterian*.

At the outset Dr. Palmer combats Dr. Nelson's assertion, that the war between the sections was "an effort to establish a national organization and government which should protect and secure slavery," as follows:

"The popular judgment that slavery was in any sense the *cause* of the late war, is one which history will replace—whenever she shall assume her judicial function, and revise the errors which are occasioned by looking at the surface appearance of things. It was the *occasion* of the war—the concrete and tangible issue which could be put before the masses on both sides, the rallying cry by which the forces could be marshalled into battle. For the *cause* we must look a great deal deeper, into that fundamental difference of opinion which obtained, from the beginning of the Republic, as to the nature of our complex government and the relation which the original States sustained to the central power which they themselves created."

In answer to Dr. Nelson's inquiry as to whether the Cleveland resolution which "affirms unequivocally its confidence in the integrity and Christian character of our brethren of the Southern church, comes short of what you think becoming in us, or due to you," Dr. Palmer points out that the Southern church "would never have disturbed your serenity with any demand for justice, or for anything else, except at your own constant appeal." That the Baltimore Conference Committee had explicitly stated, "We desire that the imputations which we conceive to be resting upon our church, by the acts of your Assembly, should be removed—we care not in what terms, so they directly and fairly cover the case. If your Assembly could see its way clear to say in a few plain words, to this effect, that these obnoxious things were said and done in times of great excitement, that they are to be regretted; and that now, in a calm re-

view, the imputations cast upon the Southern church are disapproved—this would end the difficulty at once." And that "there the matter must rest until your body can feel free to remove the aspersions, which, because they affect our integrity and honor, disable us from official intercourse with it."

Dr. Palmer has been a voluminous contributor to the *Southern Presbyterian Review*, and is the author of "Life and Letters of James Henley Thornwell, D. D.," pp. 614, Richmond, 1875. "The Family—in its Civil and Churchly Aspects, an Essay in two parts," pp. 291, Richmond, 1876. "Sermons," published in weekly numbers and forming two volumes, pp. 650 and 478, New Orleans, 1875. A number of his addresses and lectures have been published in pamphlet form, among which may be mentioned "The Tribunal of History," a lecture delivered before the Historical Society of New Orleans, 1872; "The Present Crisis and its Issues," an address delivered at the Washington and Lee University, Lexington, Va., 1872.

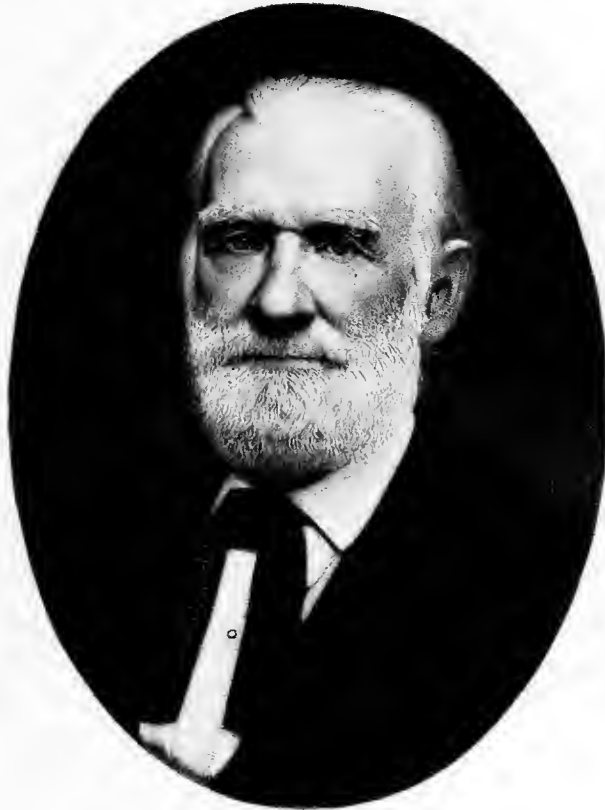
He was married October 7th, 1841, to Mary A. McConnell, daughter of Dr. McConnell, a physician of Liberty county, Ga. Of six children five died, leaving but one daughter living, the wife of Dr. J. W. Caldwell, Professor of Natural Science in the Southwestern Presbyterian University, Clarksville, Tenn.

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L. A. DUGAS, M. D.

GEORGIA.

**L**OUIS ALEXANDER DUGAS was born January 3d, 1806, in Washington, Wilkes county, Ga., and is the son of Louis Rene Adrien Dugas de Vallon. The De Vallons were of French West-Indian descent, emigrating from France some two generations ago to St. Domingo, where they became wealthy planters. His father, although born in St. Domingo, resided constantly in Paris, where his ample fortune enabled him to gratify his literary tastes; he was a gentleman of large and varied informa-



*Guss. Robinson, Phila. Phila.*

*Louis A. Dugas*



tion, and had graduated in the law besides acquiring great proficiency in the sciences. His mother, Mary Pauline Bellumeau de la Vincendiere, was a native of St. Domingo, where her parents had been wealthy planters for generations, but always educating their children in Paris, and it was there she met M. de Vallon and married him, in August, 1790. A gentleman of leisure and cultivated tastes—one of the old régime—had few inducements to remain in France in those troublous times, and accordingly M. de Vallon and his wife left for St. Domingo to settle on their plantation, where generations of their ancestors had preceded them. They had not been long there, however, before the revolution in the parent country extended itself to the colony and resulted in the emancipation of the blacks, driving them with an infant daughter and but slender pecuniary means to seek refuge in the United States. They landed in Charleston, S. C., in 1791, and in deference to the republican simplicity of the land of their adoption dropped the “de Vallon” from their name and were henceforth simply Dugas. After about a year’s residence in Georgetown, S. C., they removed to Newport, R. I., where they remained until 1801, when they removed to Fredericktown, Maryland, where his maternal grandmother, who had been compelled to fly from St. Domingo, had bought a large estate stocked with negroes. One of Dr. Dugas’ maternal aunts was the mother of Governor Enoch Louis Lowe, a governor of Maryland previous to the war. At the outbreak of hostilities the Federal authorities in Maryland commenced high-handed proceedings against all suspected of sympathy with the South, arresting and imprisoning influential citizens on mere suspicion, and keeping them in gaol for indefinite periods without attempt at trial or chance of release. Ex-Governor Lowe being a strong Southern sympathizer and consequently sure to incur the suspicion of the authorities, fled South, and took up his abode for some time with his cousin, Dr. Dugas.

After about three years’ residence in Maryland Dr. Dugas’ parents left for Savannah in search of

a warmer climate, and in 1804 finally settled in Washington, Wilkes county, Ga., where Dr. L. A. Dugas was born, with a twin-brother, Louis Charles, who was afterwards a planter, and died in 1866. Their means being exhausted, his mother, who was a most cultivated and accomplished lady, opened a female seminary in Washington, but his father dying in 1807, the place became distasteful to her, and in December, 1810, she removed to Augusta, where she established a similar institution, and was so successful as to bring up and educate her family and ultimately to accumulate a competency which enabled her to dispense with teaching in her advanced age. She was a lady of great talents and unusual acquirements, and herself educated all her children, so that Dr. Dugas’ education was conducted exclusively by his mother until he was fifteen years of age, with the exception of two or three quarters passed at the academy of Richmond county. She had the proud satisfaction of living to see the prosperity of her children, and finally terminated an eventful existence in 1854, being then eighty-three years of age.

About this time Dr. Charles Lambert de Beauregard, a French émigré, who had originally settled in Canada and afterwards removed to Philadelphia, arrived in Augusta, and, becoming intimate with the Dugas family, offered to take charge of Louis Alexander and give him a medical education. Accordingly, in 1820, he entered Dr. de Beauregard’s office as a student, but being too young to confine his attention to his medical studies, seized the opportunity to enrich his mind with an extensive course of general reading. Dr. de Beauregard died in 1822, and in the following year he entered the office of Dr. John Dent, a man of great genius and ability, and devoted himself to the study of his profession for two years. He then went to the University of Maryland and attended a winter course of lectures, from there to Philadelphia to attend a summer course of lectures at the Philadelphia Medical Institute. Returning to Baltimore for a second winter course he was graduated at the University of Maryland, in March, 1827. The medical department of that

university was then considered the best school in the country; its leading men were Professors Pattison, Potter, Davidge and De Butts, while the most able at the Philadelphia Institute were Professors Chapman, Jackson, Hodge, Mitchell and Horner. In addition to the lectures, he faithfully attended the hospitals, and the more he learned the more deeply he felt the responsibility of the practitioner, and the more firmly was he resolved to perfect himself in the European schools.

The following year was spent on the plantation of a friend of the family in Georgia, where he was enabled to pursue his studies in perfect quiet and without fear of interruption. In the spring of 1828 he sailed for Europe, where he remained upwards of three years, during which he made himself thoroughly acquainted with England, France, Switzerland, Germany and Italy, but making Paris his head-quarters. There he devoted himself with persistent energy to his medical studies, devoting sixteen hours of each day to different branches of science, and so methodically arranging his time, alternating the severer with the more attractive branches of study, as to ensure constant interest and avoid weariness. The mornings were devoted to the hospitals, following the professor on his visits to his patients and attending the surgical operations, post-mortem examinations, etc.; while the afternoons were spent at the Sarbonne attending the full course of lectures of such a galaxy of talent as Gay Lussac and Thenard on Chemistry, Pouillet on Physics, Arago on Astronomy, Cuvier, Blainville and Geoffroy St. Hilaire on Natural History, Beaumont on Geology, Magendie on Physiology, Boyet, Roux and Velpeau on Surgery, Dupuytren and Lesfranc on Clinical Surgery, Guersent on the Diseases of Children, Cousin on Philosophy, Villemain on Eloquence and Criticism, and Guizot on the History of Civilization. The lectures of the last three, and more especially of Guizot, created extraordinary interest and enthusiasm, crowds of all classes flocking to drink deep of the brilliant logic and fascinating eloquence which was soon to stir France to its depths and once more sweep the

Bourbons from the throne. Each class of affections, and each department of science was studied separately and thoroughly, and besides these private courses were attended to perfect him in the details of his profession. He also attended the lectures of Baron Larrey, Dubois, Alibert, Biett, Lugol, Broussais, Andral, Louis, Chomel, Orfila, etc., etc. As a graduate of an American college he had free access on production of his diploma, to all the medical colleges and hospitals as well as to the Sarbonne.

During his stay in Paris he witnessed the great change from the deteriorating plan of treatment in disease so strenuously advocated by Broussais, to the conservative system so successfully inaugurated by Andral, Louis, Rostan and others, and to which Dr. Dugas was an enthusiastic adherent. He also saw the inauguration of the Civiale system of lithotritry (crushing the stone in the bladder), and witnessed the full development of that method of treatment. He was present in Paris during the Revolution of July, 1830, and was in the crowd at the Palais Royal when the troops first charged the people, and saw the first man killed. In June, 1831, he returned to America and commenced the practice of his profession in Augusta, Ga. Soon after his arrival the propriety of establishing a medical academy was mooted by Dr. Anthony, who asked Dr. Dugas to join him; this he agreed to do if the charter were altered to that of a medical college, and in 1832 the Medical College of Georgia was founded and organized with Dr. Milton Anthony, Dr. Louis D. Ford, Dr. Joseph A. Eve, Dr. Paul F. Eve, Dr. John Dent and Dr. L. A. Dugas in the various chairs, the latter first taking that of Anatomy and Physiology; he some years afterwards yielded that of Anatomy to Dr. George M. Newton and taught Physiology added to Pathological Anatomy until 1855, when he took the Chair of the Principles and Practice of Surgery, which he still holds.

In 1834 he again visited Europe for the purpose of purchasing the library and general outfit for the museum of the college. Each of the members of the faculty contributed \$1,000, and for this sum, \$6,000, he was enabled, by his

previous acquaintance with Parisian collectors, to obtain a fine museum, and was fortunate in securing, among other choice specimens, a "cyclops," probably the finest example of that rare phenomenon, which could be readily sold for \$1,000 to the British Museum to-day. In the library are some rare and valuable works not often found in collections of the kind. While in Paris he was elected a member of the Geological Society of France. He returned to America in the fall of 1834, and resumed general practice in Augusta, giving, however, special attention to surgery. In 1851 he again took a trip to Europe, visiting the first World's Fair at the Crystal Palace, in Hyde Park, London, and travelling afterwards on the continent. In the same year he assumed editorial supervision of the *Southern Medical and Surgical Journal*, published in Augusta, holding that position for seven years and making voluminous contributions to its pages.

While he never doubted the right of the Southern States to secede, he was utterly opposed to secession as unwise and necessarily destructive, whether successful or not, of the best interests of the country. At the outbreak of the civil war, having a strong objection to military control, he went as volunteer surgeon with General Walker commanding the Georgia troops, who was ordered to Savannah, and served with his brigade as long as it remained on the coast. He was subsequently appointed Consulting Surgeon to several of the military hospitals located in Augusta. Dr. Dugas has been intimately connected with the educational system of his native State, having been a member of the Board of Trustees of the Academy of Richmond County for about forty years, and President of that body for the last twenty-five years, regularly attending all its meetings, and presiding at the commencement services held at the Opera House in 1878, when the first diplomas were awarded. The Academy of Richmond County is one of the oldest educational establishments on this continent, having been established and endowed by George the Third, and afterwards incorporated by the Legislature of Georgia in

1784. In 1869 the University of Georgia conferred on Dr. Dugas the degree of LL. D. Besides membership in a number of literary and scientific bodies, he was for many years President of the Medical Society of Augusta, and has been three times elected to the Presidency of the Medical Association of Georgia; he was also one of the Vice-Presidents of the International Medical Congress held in Philadelphia in 1876. During the war he was President of the Augusta Insurance and Banking Company. He has been repeatedly elected a member of the City Council of Augusta, and while occupying that position was instrumental in securing the erection of a monument over the remains of the three revolutionary patriots, Lyman Hall, George Walton, and Button Gwinnett, who were signers of the Declaration of Independence. In an old field belonging to the doctor he discovered some old tombs which on inspection proved to be those of Lyman Hall and some of his family; upon this he brought the matter before the City Council, and induced them to agree to erect a monument over the remains, providing the bodies of Walton and Gwinnett could be traced and identified. Judge Holt after minute search found the remains of George Walton in Rosney Cemetery, and the body was identified from the fact that one of the legs had been broken and reunited, a circumstance which was known to have happened to Walton in his lifetime. No trace could then, or has since, been found of Gwinnett. Dr. Dugas, having been appointed Chairman of a committee to procure designs for a suitable monument, put himself in communication with several leading architects in New York, and having selected a design, a classical and appropriate monument of Georgia granite was erected to their memory in Greene street, opposite the City Hall. The design and working plans for the monument were generously furnished by the architect free of cost. Dr. Dugas has been President of the Augusta Gas Light Company for the past twenty-five years. In the practice of his profession he has treated thirty cases of urinary calculus, four of which were successfully subjected to lithotripsy, and is

the only surgeon who has performed this operation in Georgia or in any State south of Virginia; he is also the only surgeon in the United States who has performed ligature of the Ischiatic artery for aneurism.

Dr. Dugas' contributions to medical literature have been published chiefly in the *Southern Medical and Surgical Journal*, of Augusta, Ga. The following, among numerous others which have appeared in that journal, will be found to contain original views, more or less interesting, viz.:

"On the Pathology and Treatment of Rheumatism:" advocating J. K. Mitchell's views concerning its connection with "spinal irritation," and establishing the different forms of the disease, viz.: 1st. Acute articular or arthritic rheumatism, which is a self-limited disease of one joint alone, never recurs, and yields to no known treatment; 2d. Acute neuralgic rheumatism, with high fever, affecting a number of joints, but quite amenable to spinal revulsives; 3d. Chronic neuralgic rheumatism, without fever, yields readily to spinal revulsives, but very apt to recur, vols. 1836 and 1861. "New Treatment of Purulent Ophthalmia of Infants:" cases illustrating the happy results obtained by use of Labarague's solution of Chloride of Soda, the cure is usually effected in a week, vol. 1836. "Colica Pictonum:" remarks on the connection between this disease and spinal irritation, sustained by cases promptly relieved by revulsives to the spine, vols. 1836-37. "Tapping for Hydrocephalus:" case in which tapping was performed between the parietal bones seven times, drawing off sixty-three ounces of fluid, vols. 1836-37. "Amenorrhœa:" showing the efficacy of sinapisms applied to the mammæ in a case of obstinate amenorrhœa, vols. 1836-37. "Pathology and Treatment of Bilious Fever," presents original views of the pathology of so-called bilious fevers, and contains one of the earliest recommendations of quinine as a curative. It is a standing record of the condition of knowledge at that time, vols. 1837-38. "Pathology of Convulsions:" papers elicited by M. Trousseau's advocacy of compression of the ca-

rotid artery in the treatment of convulsions. The fallacy of the practice is demonstrated, and convulsions attributed to irritation instead of congestion, vols. 1837-38 and 1845. "Ligamentum Dentis:" the discovery of dental ligaments considered and found to be only partially correct. By careful dissections found the existence of ligamentous bands, constituting a capsular ligament for each tooth by which alviolar cavity is completely closed. Formation of alviolar membrane also explained, vols. 1838-39. "Anatomy and Physiology of the Liver," urges the belief that one of its important functions is the regulation of the introduction of foreign materials into the blood through the portal vein, and another its action as a diverticulum of the stomach, etc., under certain circumstances, vol. 1839. "Surgical Operations During Mesmeric Insensibility:" among the first performed in the United States, vols. 1845-46. "On Quinine in Intermittent and Remittent Fevers:" showing the great efficacy of quinine without regard to the condition of the head, stomach, etc., in opposition to general practice. Probably first paper advocating these views and advising quinine in pneumonia as it prevails in the South, vol. 1847. "Clinical Lecture on Syphilis:" the author exposes his views, which differ from those generally received, vol. 1849; "Treatment of Fractures Without Roller Bandage," its bad effects pointed out and abandonment urged, vol. 1850; "Dislocations of the Elbow-Joint," making diagnosis more complete than is done by text-books, vol. 1851; "Amputations and Anæsthetic Intoxication by Spirits of Turpentine," vol. 1851; "Fractures of the Clavicle," with objections to axillary pad, treated with a string bandage, vol. 1852; "Wounds of Intestines Treated with Animal Sutures," vol. 1852; "Snoring Prevented by Excision of the Uvula," vol. 1852; "Sudden Rupture of an Ovarian Tumor," — peritonitis — recovery, vol. 1852; "Foreign Bodies in the Air-Passages," vol. 1853; "On Femoral Exostosis," with a case, vol. 1853; "Objections to Utero-Abdominal Supporters," vol. 1854; "On the Best Plan of Treating Fractures in Country Practice:" the simplest



plan indicated for each fracture, vol. 1854; "Epidemic Dysentery," its relation to malaria, quinine and saline treatment most successful, vol. 1854; "Objections to Pessaries in Prolapsus Uteri," vol. 1854; "On the Use of Beverages in Sickness," vol. 1854; "Surgical Operation Under Local Anæsthesia," vol. 1855; "Extraordinary Case of Prolapsus of the Rectum," vol. 1855; "A New Means of Diagnosis in Dislocations of the Shoulder," vols. 1856 and 1858; "Fractures of the Scapula, Attended with Paralysis," with special reference to those of the neck of the scapula, attended with paralysis of the arm, vol. 1856; "Lecture on Some of the Effects of Intemperance," showing its influence on the propagation of the species, and accounting for the extinction of the American aborigines, vols. 1857 and 1859; "Treatment of Fractures of the Femur with Weight," vol. 1859; "Aneurism of the Ischiatic Artery," ligature of this and subsequently of the primitive iliac, with general history, vol. 1859; "Lecture on Tetanus," vol. 1861; "On the Supposed Influence of the Mother in the Production of 'Nœvi Materni,'" and other deformities, vol. 1866; "Compound Fracture of the Os Femoris," healed in six days, vols. 1866-67.

In addition to his voluminous contributions to the *Southern Medical and Surgical Journal*, the following papers from his pen have appeared in other medical publications: "Cases of Urinary Calculus," treated by lithotomy and lithotripsy, Transactions Medical Society of Georgia, 1874; "Mania a Potu," treated by cold ablutions, *Atlanta Medical and Surgical Journal*, November, 1875; "Remarks on the Curability of Inflammation:" efficacy of Tincture of Iodine, *ibid.*; "Mammities and Mammary Abscesses," treated by bandaging, Transactions Medical Association of Georgia, April, 1875; "On Some of the Pathological Peculiarities of the Negro Race," *ibid.*, 1876; "On Penetrating Wounds of the Abdomen," with the suggestion of a change of practice in such cases, Transactions International Medical Congress, 1876; "A Simple Process by which Motes and other Objects may be Removed from the Eye," *New Orleans*

*Medical Journal*, 1877; "Means by which the Reduction of Strangulated Hernia by Taxis is Materially Facilitated," *ibid.*, 1877.

Dr. Dugas has all his life been devoted to his profession, giving especial attention to surgery. Having been twenty years Dean of the Faculty of the Medical Department of the University of Georgia, he has necessarily been brought much in contact with the junior members of his profession, by whom he is regarded with the warmest feelings of affection and respect. His vast knowledge and great originality of ideas, acquired by steady and persistent study and reflection, have modified in a remarkable degree the opinions and practice of his professional brethren on many points in the general practice of medicine. As a surgeon eminently conservative, he is nevertheless by no means wanting in bold originality, as is evidenced by one of his last suggestions for operations in cases of penetrating wounds of the abdomen, in which he advocates the heroic treatment of opening the abdomen for the purpose of ascertaining the true nature of the wounds, and closing by ligatures any opening made in the intestines. A conservative in politics, he has never taken any active part in party organizations, but has contributed extensively to the press on the great questions of the day, notably on the important issues of know-nothingism and secession, to both of which he was strongly and conscientiously opposed. His unbending integrity and sound, sober judgment have secured him the respect and deference of his fellow-citizens, and though somewhat reserved in manner, in the society of his many warm friends he is kindness and geniality itself. Ever ready to comfort and assist the deserving, none know but the recipients the extent of his private beneficence.

Dr. Dugas has been twice married—the first time, in 1833, to Mary C. Barnes, daughter of Captain John B. Barnes, planter, of Columbia county, Ga.; she died the same year, leaving a daughter who afterwards married Dr. William I. Holt, of Montgomery, Ala., who served with great distinction in the Russian service during the Crimean war, receiving numerous crosses

and honors for his gallantry. He was married a second time, in 1840, to Louisa V. Harriss, daughter of the Rev. Juriah Harriss, planter, of Columbia county, Ga., by whom he has two daughters and three sons. His eldest daughter, by his second marriage, is married to Mr. James D. Cole, of Augusta. One of his sons, Louis Alexander Dugas, is a rising young lawyer in Augusta, and another, Dr. George Cuvier Dugas, who has resided many years in the principal cities in Europe, is now practising successfully in that city, and is the adjunct Professor to his father in the Chair of Surgery in the Medical Department of the University of Georgia.

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HON. K. P. BATTLE.

NORTH CAROLINA.

**K**EMP PLUMMER BATTLE was born near Louisburg, Franklin county, N. C., December 19th, 1831. He is the son of Hon. W. H. Battle, for many years one of the Judges of the Supreme Court of North Carolina. His primary education was commenced under Mrs. Harriet B. Bobbitt, the preceptress of a famous school at Louisburg, and on the removal of his father to Raleigh, he became a student at the Raleigh Academy under Messrs. Silas Bigelow and J. M. Lovejoy. In 1843 his father changed his residence to Chapel Hill, where he was prepared for college, and in June, 1845, entered the University of North Carolina, graduating thence with the first distinction in all his studies in 1849. Messrs. Peter M. Hale and T. J. Robinson were sharers in this honor, and the valedictory was delivered by Mr. Battle. After graduating, he was for one session tutor of Latin and Greek, and was then chosen tutor of Mathematics, which position he held for four years of the palmiest days of the university. He was unusually successful in making the course of studies attractive, and in gaining the respect and good-will of the students, amongst whom there were a large number who have since become eminent in the different professions. He resigned his post in June, 1854,

and having obtained his license to practise law in all the courts of the State, commenced the active duties of his profession at Raleigh. He soon took a good standing at the bar, and with his partner, R. H. Battle, Jr., rapidly acquired a flourishing and increasing practice. In the organization of the Bank of North Carolina, Mr. Battle, young as he was, enjoyed the distinction of being among its first directors, being associated with such eminent men as George W. Mordecai, George E. Badger, J. H. Bryan, B. F. Moore, and others. He was also appointed a Director of the Insane Asylum of North Carolina, and served several years on its executive committee. In 1860 he ran for a seat in the General Assembly, and though he failed in securing his election by three votes, he with his colleagues succeeded in carrying the county for the Whig candidate. This campaign is still remembered as one of the most spirited and exciting in the history of the county, and a document prepared by Mr. Battle, entitled, "*Ad valorem*, Explained by Questions and Answers," was so highly approved of, that 50,000 copies were ordered by the Whig Executive Committee for distribution. He was a pronounced supporter of the Union, being in the spring of 1861 President of the Union Club for Wake county; but on the issue of President Lincoln's proclamation calling for 75,000 men, he, in common with all the leading men of his party, determined to cast his lot in with the South. He was elected a delegate to the Convention, pledged to secession, and his name is appended to that ordinance immediately following that of the distinguished George E. Badger. He took a prominent part in the Convention, acting with the Conservative party headed by Mr. Badger, ex-Governor Graham and others, who elected Colonel Vance Governor of the State in 1862. Throughout the war he was a warm supporter of Governor Vance, who entertained a high opinion of his judgment, and when the conscript officers threatened to disregard the mandates of the courts of North Carolina in the *habeas corpus* proceedings, sent him with Governor Bragg on a mission to President

Davis to procure positive orders that the process of the courts should be respected, in which they were successful. In 1862 he was made President of the Chatham Railroad Company, which it was intended to build to the Gulf in Chatham county in order to obtain access to the coal and iron in the Deep River Valley. Owing to the scarcity of labor, animals and supplies, the undertaking was an arduous one, and Mr. Battle did all that perseverance and energy could accomplish; but when the works were on the eve of completion, as far as Lockville, from whence the river was navigable to the Gulf, Sherman's army appeared on the scene, and scattered men and materials to the four winds. In 1865, in conjunction with Colonel Heck and others, he endeavored to induce immigration from the Northern States into North Carolina. An office was opened in New York, and circulars and pamphlets were sown broadcast calling attention to the wonderful resources of the State. A large number of applications were received, and the project was in a fair way to succeed when Thaddeus Stevens made a speech in Congress, advocating the confiscation of Southern lands for the benefit of Union soldiers. The policy he urged did not meet with a favorable response, and was vigorously attacked by the *New York Tribune* and others. The scare caused by his speech subsided, and again inquiries from Northern people desirous of settling in the South began to pour in, but the split between Congress and President Johnson, and the establishment of military rule in the South, placed such obstacles in the way that the enterprise was abandoned. Governor Andrews, of Massachusetts, engaged in a somewhat similar venture, and failed for the same reason. At the request of Governor Worth, Mr. Battle became a candidate before the General Assembly of 1865 for the office of Treasurer of the State, and was elected by a large majority. He was again elected unanimously in the House of Commons, with only two dissenting votes in the Senate, by the General Assembly of 1866-7. His reports as Treasurer gained him much reputation for his accurate knowledge of the conditions and history of the State debt, on which he

became a recognized authority. Probably no man in the State is more widely known among those who are interested in the State debt than he. When he became Treasurer, the revenue laws of the State were in a pitiable state of uncertainty and confusion. There were three different acts in operation—that of 1861, which was re-enacted by the General Assembly of 1865-6, the amendments thereto made by the Assembly, and Tax Ordinance of the Convention of 1865—all of which laws were framed on the specific instead of the ad valorem system. The constructing and harmonizing of these laws gained for Mr. Battle increased reputation as a lawyer and a business man. In common with Governor Worth and the other executive officers, he was deprived of office by the Reconstruction acts of Congress.

In 1869, in response to the urgent request of the agriculturalists of the State, he undertook to resuscitate the North Carolina Agricultural Society, which had been destroyed by the war, and with characteristic energy in a few months he had erected new buildings on the Fair grounds, and, starting with but little except the naked land, a very creditable fair was held in that year, and an impulse was given to the agricultural interests which has steadily increased to the present time.

Mr. Battle was elected a Trustee of the University of North Carolina in 1862, and served on its Executive Committee continuously until 1868. Before the war the university was very prosperous, had good endowment invested in bank stock, and accommodated about four hundred and fifty students. It was one of the few Southern institutions of learning which remained open during the war. Its endowment was destroyed by the insolvency of the banks, whose means were largely invested in Confederate and State war securities, which became worthless. In 1867 Mr. Battle, as Chairman of the Committee of Trustees, made an elaborate report of a plan to reorganize the university, which was adopted by the board; but it was not carried into effect, in consequence of the election of a new Board of Trustees, under the reconstruction

laws, who dismissed the original faculty and put others in their place. This experiment failed; students refused to join, and very soon the doors were obliged to be closed. The constitution of the State was changed in 1873, and under its provisions trustees were chosen by the General Assembly, as before the war. Mr. Battle was elected on the Board, and at its first meeting was unanimously chosen Secretary and Treasurer. In 1875 the doors were opened, although legal difficulties retarded the work for a year. With his usual zeal and enthusiasm he overcame all difficulties, and the revival of this renowned institution of learning was largely attributable to his energy and perseverance. In 1876 he was chosen, by an unusually large board, President of the University, and inaugurated his office by making stirring addresses throughout the State and to the General Assembly in favor of the claims of this venerable institution to the hearty support of all.

The University of North Carolina was established December 18th, 1776, in obedience to a clause of the constitution of the State, but in consequence of the exigencies of the war of independence and the prostration following it, some years elapsed before the mandate of the constitution was carried into effect. In November, 1792, the university was located at Chapel Hill, Orange county, twenty-eight miles from Raleigh, the capital of the State, and the land on which the buildings are situated, 840 acres, was donated by the citizens of the neighborhood. In October, 1793, the corner-stone of the first building was laid with Masonic honors by Governor William Richardson Davis, Grand Master. The doors were opened for students in February, 1795. The buildings are now eight in number, five of them of large size, affording accommodation for 500 students, and have cost probably \$250,000. A new chemical laboratory, excellently fitted up, has recently been added, and an Agricultural Experiment and Fertilizer Control Station, under the charge of Dr. Albert R. Ledoux. There is also a new Physics Hall, with new and costly apparatus for instruction, and a museum of minerals, etc., in-

cluding a large collection bought in Vienna. The university is under the control of a Board of sixty-four Trustees, elected by the joint vote of the General Assembly; of these, one-fourth go out of office and their places are filled every two years. During the recess of the board, an Executive Committee of seven trustees, elected at the annual meeting, exercise all the powers of the board. The faculty consists of twelve professors, including the president. One native of the State, without the means to defray the necessary expenses, is selected annually from each county and admitted free of charge, and pupils are admitted to the branches of agriculture and mechanic arts without previous literary training for the regular college courses. In 1875-76 there were 69 students; in 1876-77, 112; in 1877-78, 160; and in the year 1878-79 there will probably be considerably over 200 students.

In the winter of 1876-77 the General Assembly was induced to grant a small sum for the establishment of a Summer Normal School, and accordingly in the summer of 1877 a six weeks' session was held, at which 235 students attended, many of them among the best teachers in the State, and the school was conducted by a special faculty of expert normal teachers.

Prior to accepting the Presidency of the university, Mr. Battle was a Director of the Citizens' National Bank, Director of the Insane Asylum of North Carolina, President of the Oakwood Cemetery, Raleigh, Senior Warden of Christ Church, Raleigh, Trustee and Secretary and Treasurer of the University of North Carolina, President of a life insurance company, Director of two fire insurance companies, and Vice-President of the North Carolina Agricultural Society, but has since resigned all but the directorship in a fire insurance and in a life insurance company, the Vice-Presidency of the agricultural society, and the Trustee and Treasurership of the University of North Carolina. He is now also a member of the Board of Agriculture, and Senior Warden and Lay-reader of the Episcopal Church, Chapel Hill. He is also engaged in cotton planting in Edgecombe

county, N. C. No worthier son of North Carolina could have been called upon to preside over her university. Well-read, scholarly, of high mental qualities and capacity, he is eminently fitted for his high duties. Fondly cherishing his *Alma Mater*, and devoted to her interests, he has brought to her aid a zeal and enthusiasm which is an assurance of success, and under his management the university has been re-established on a sure and firm foundation.

He married a daughter of James S. Battle, of Edgecombe county, and has a daughter and four sons, of whom two are students of the university; the elder, Kemp P. Battle, is the first of the four generations who have joined the institution, his great-grandfather, Joel Battle, having matriculated in 1799, his grandfather, Judge William H. Battle, in 1818, and his father, Kemp P. Battle, in 1845.

REV. T. H. PRITCHARD, D. D.

NORTH CAROLINA.

**T**HE design of this work is to give a true representation of men and things in the South. We should certainly fail of attaining this end were we to ignore the religious opinions and condition of the people, and therefore we have deemed it eminently proper that, in connection with the sketches of distinguished clergymen which we give, should be presented a brief statement of the history and present condition of the churches they represent. Dr. Pritchard is a leading minister of the largest religious denomination in North Carolina, and before proceeding to speak of him personally, we propose to say a word about the denomination with which he is identified.

The first Baptist minister of whom we read in America was Hansard Knollys, who preached in Dover, N. H., from 1635 to 1639, when he returned to England. Before leaving this coun-

try, however, he evinced his own liberal culture and appreciation of sound learning by founding the "Hansard Knollys' Professorship," of Harvard University, the oldest of the colleges of America.

The Baptists of America did not spring from Roger Williams. He was a Baptist, it is true, and he organized a church, but this church, according to the best authorities, soon became extinct, and this large and influential denomination of Christians was first planted in different sections of the country by independent colonies who came directly from the old world.

It is very certain that the first Baptist church in North Carolina was organized by the Rev. Paul Palmer, who came from Maryland, but was himself descended from a colony of Welsh Baptists. This church was constituted in Camden county, in 1727, and still prospers under its original name—Shiloh Baptist Church.

In 1742 a colony of Baptists, under the leadership of Rev. William Sojourner, came from Berkeley county, Va., and settled on Kehokee creek, in Halifax county, N. C. A little later another colony, also from Berkeley county, Va., under the direction of Rev. Shubal Stearns, came to North Carolina and settled on Sandy creek, then in Guilford, now Randolph, county. This was by far the most prosperous of the Baptist settlements in the State, and in 1758 the churches which sprang from this mother church organized the Sandy Creek Association, the third Baptist association of the country; the Philadelphia Association having been formed in 1707, and the Charleston in 1751. The Baptist State Convention of North Carolina was organized in 1830, in Greenville, Pitt county. A year or two later the denominational college, Wake Forest, was founded, and about the same time Rev. Thomas Meredith, then pastor at Edenton, began to publish a religious journal called *The Baptist Interpreter*, which paper, under the name of *The Biblical Recorder*, is the recognized organ of this church in the State now. The progress of the Baptists may be seen from the following statistics:

In 1770 there were nine Baptist churches in North Carolina; in 1784, 42 churches, 47 ministers and 3,776 communicants; in 1812, 204 churches, 117 ministers, 12,567 members; in 1832, 332 churches, 211 ministers, and 18,918 members; in 1851, 599 churches, 374 ministers, and 41,674 members; in 1860, 692 churches, 374 ministers, and 59,778 members; in 1877, 1,442 churches, 793 ministers, and 135,000 members. These statistics, for the last few years taken from the "Baptist Year Book," comprehend all the Baptists of the State, white and colored; of the latter class there are probably 40,000. There are two Baptist conventions in the State—one is called the Western Convention, located beyond the Blue Ridge, and has, perhaps, a constituency of twenty-five thousand members—the other, known as the Baptist State Convention, is much the larger and more influential body.

Thomas Henderson Pritchard was born in Charlotte, N. C., February 8th, 1832. His father, Joseph Price Pritchard, was a native of Charleston, S. C., and also a Baptist minister. His mother, Eliza Hunter Henderson, belonged to one of the oldest and most distinguished families of the State. Her father was Dr. Samuel Henderson, who was an intimate friend of General William R. Davie, Colonel Thomas Polk, and the elder Wade Hampton, of South Carolina, and was a first-cousin of the Hon. Archibald Henderson, of Salisbury, who was pronounced by Judge Murphy the finest lawyer of his day in the State, and Leonard Henderson, who was for a long time Chief-Justice of North Carolina.

The subject of this sketch was the valedictorian of his class in 1854, when he graduated at Wake Forest College, and began the work of the ministry the same year, while acting as agent to raise a suitable endowment for his *Alma Mater*. He was ordained as pastor of the Baptist Church, of Hertford, N. C., in November, 1855, Rev. William Hooper, D. D., LL. D., preaching the sermon of the occasion. He went to Charlottesville, Va., in 1858, to read theology

with Dr. John A. Broadus, and while there attended the lectures of Dr. McGuffey in Moral and Intellectual Science, in the famous University of Virginia. He was pulpit-supply for the Baptist Church of Fredericksburg, Va., during the temporary absence of the pastor, Rev. William F. Broadus, D. D., in 1859, and settled as pastor of the Franklin Square Baptist Church, Baltimore, Md., in January, 1860. During the war he was arrested as a rebel, and, after a brief imprisonment of six weeks, was sent South by the Federal authorities. After preaching in the army of Northern Virginia, during the great revival of the autumn of 1863, he took charge of the First Baptist Church, of Raleigh, N. C., in November, 1863, during the absence of Dr. Thomas E. Skinner, the pastor, who had gone to Europe. When the war closed Dr. Skinner returned to his church, and Mr. Pritchard was called to the pulpit of the First Baptist Church, of Petersburg, Va. He remained there for two years and a half, and did a good work in rebuilding the handsome house of worship of that church, which had been burned by lightning the Sabbath before he became pastor.

In February, 1868, Dr. Pritchard was recalled to the church he had served in Raleigh, and has thus been its pastor for about twelve years. In June, 1868, the degree of Doctor in Divinity was conferred upon him by the University of North Carolina, when he was but thirty-six years old, the same honor being awarded, on the same occasion, to Rev. Charles Phillips, of the Presbyterian, and Rev. A. A. Watson, of the Episcopal churches. The manner in which Mr. Pritchard received his doctorate was not a little singular.

During the war the late Governor Charles Manly had a favorite servant to die. The good old woman was a Baptist, and though the Governor and his family were Episcopalians, the Baptist pastor was sent for to bury her. Standing on the steps of the rear piazza of the mansion, with the family seated near, and the yard full of colored people, Mr. Pritchard pronounced the discourse which made him a Doctor of

Divinity. Four or five years afterwards when, doubtless, he had forgotten all about the incident, and when Governor Manly, through age and blindness, could not attend the session of the Board of Trustees, of which he had been the secretary for thirty years, he sent for the Hon. D. M. Barringer and the Hon. Kemp P. Battle, and told them that he desired them to present the name of his young friend Pritchard as worthy to receive the title of D. D., and he based his opinion upon the sermon preached at the funeral of an old colored woman.


Dr. Pritchard is probably the best known minister of his denomination in North Carolina, and has been abundantly honored with positions of distinction and responsibility by his own people. He was for many years Chairman of the Boards of State and Foreign Missions; he is the President of the Board of Trustees of the Raleigh Baptist Female Seminary, a Trustee of Wake Forest College, and also a Trustee of the Southern Baptist Theological Seminary, Louisville, Ky. When, in 1872, it was deemed necessary to change the location of the Theological Seminary from Greenville, S. C., Dr. Pritchard was chosen from North Carolina as one of a committee, consisting of Dr. J. L. Burrows, then of Virginia; Dr. J. P. Boyce, of South Carolina; ex Governor Brown, of Georgia; J. S. Smith, of South Carolina; Dr. Samuel Henderson, of Alabama; Rev. M. Hillsman, of Tennessee, and Dr. S. L. Helm, of Kentucky, to visit the various cities of the South and locate the seminary. This was a most important and responsible service, and the selection of Dr. Pritchard as one of this committee shows the appreciation in which he is held outside of his native State, as well as at home. In North Carolina his influence is extensive and wholesome, and he is always ready in every good word and work, and perhaps no man in the State, of any denomination, has been a more earnest and effective advocate of the cause of temperance than he. An ardent and affectionate friend, a fair and honorable opponent, a decided Baptist, yet kind and courteous to all who differ from him, he is prob-

ably the most popular man in Raleigh, and is certainly the most successful pastor in the State. He is no self-seeker, but a hearty, liberal, charitable and honest Christian minister. It is doubtful if any minister in the State has more friends and fewer enemies. He is genial, almost jovial, in disposition, and his face beams with good humor. In person he is rather short and quite stout. His voice is uncommonly strong, clear, deep, rich and musical; his articulation is excellent; his gestures easy, frequent and graceful, and his elocution, taken all together, exceptionally good. There are closer students and more original thinkers than he, but few are able to use their powers and acquisitions to better advantage. While for many years his vision has been weak, he has read a good deal and to considerable purpose, for he is one of the most remarkable absorbers to be found in the limits of his denomination. He writes well, and has published a small work on the baptismal controversy, that his people regard with great favor. He is a fluent and fine talker, and can both tell and enjoy a joke with much zest. He is a thoroughly refined and well-bred gentleman, gifted in all the proprieties of polite society, with no foolish mannerisms or weak affectations in the pulpit or out of it. In debate he is courteous and fair, and is always listened to with pleasure when he takes the floor, the platform, or the pulpit to address an audience. Exceedingly fond of quail-shooting he has the reputation of being one of the best wing-shots in North Carolina. It is not surprising that such a man should receive calls from other States, but a strong love for his native State has hitherto kept him in Raleigh, and it is probable that he will live and die there.

He married, November 18th, 1858, Fanny G. Brinson, daughter of William Brinson, of Newbern, N. C. Mrs. Pritchard inherits peculiar claims to be the helpmate of a Baptist minister, her great-grandfather, James Brinson, a strict Baptist, having been imprisoned in Newbern for refusing to have his children baptized into the orthodox church.

## PROFESSOR S. LOGAN.

## LOUISIANA.

AMUEL LOGAN was born April 16th, 1831. His parents' home was in Charleston, S. C., where his ancestors resided for many generations, but he was born during a visit to his maternal grandfather's country residence, in Colleton District, S. C., a short distance from Charleston. He is descended, on his father's side, from ancestors who belonged to the Scottish gentry. The Barons Logan of Restalrig, as far back as the thirteenth century, owned large estates in the neighborhood of Edinburgh, including all the lands on the Frith, known as "South Leith," what is now the town of that name, and a portion of the city of Edinburgh. The name appears in Scotch history "at the early period of William the Lion (twelfth century), and throughout subsequent ages it is connected with important national transactions" (see Tytler's History of Scotland, index "Logan of Restalrig"). For example, "in A. D. 1400, Sir Robert Logan of Restalrig, Lord Admiral of Scotland, defeated an English fleet in the Frith of Forth, and on the return of James I. from his captivity in England, he knighted him a Laird of Restalrig, and made him High-Sheriff of Edinburgh." The family incurred the displeasure—or their large estates excited the cupidity—of the corrupt and cruel James VI.

Fictitious charges were trumped up by his hirelings, pretending to identify the then Laird Logan, of Restalrig, with the alleged conspiracy of the noblemen, Gowrie and Ruthven, who had been put to death in 1599. Robertson says: "Death itself did not exempt Logan from persecution; his bones were dug up and tried for high treason, and by a sentence equally odious and illegal his lands were forfeited, and his posterity declared infamous." Buchanan calls the proceeding "an outrage upon the laws of humanity and the law of the land." The family then left the country, and first resided at a place called Luigan, in Ireland, but their descendants afterwards moved elsewhere. James Logan, great-

grandson of one of the Barons, came out to Philadelphia with William Penn, of whom he was an intimate friend. Logan Square and the Loganian Library of that city derive their names from this branch of the family, of which there are still numerous descendants in the State of Pennsylvania. The first American settler of the South Carolina family was Colonel George Logan, of the British army. He settled in South Carolina in 1690, just ten years after the first settlement made at "Oyster Point," the present city of Charleston. The first settlement of Charleston was in 1670 at "Old Town," on the west bank of the Ashley river, but the site proved sickly, and was abandoned in 1680 for the present site, then called "Oyster Point." Colonel George Logan soon took a prominent part in the young city, for he was in command of a troop of horse when Charleston was attacked by the Spaniards and French, in 1706. ("Ramsay's History of South Carolina," and "Rivers' Sketches.") In 1716 he was Speaker of the Provincial House, and he bore a prominent part in the contest with the Lords Proprietors till they were deposed from power. (Bancroft, Vol. III., p. 17, etc.) His son, also named George, married one of the three daughters of the Governor, Robert Daniell, July 30th, 1719, and the existing family of Charleston Logans are the direct descendants of that union. They have always occupied a high social position in the State, and sent out many descendants throughout many portions of the South. George Logan, the great-grandfather of the subject of this sketch, was a surgeon during the Revolutionary war; his son, George Logan again, was a physician also, practising with distinction for over fifty years in Charleston; he occupied several positions of honor in his profession, and was the author of a work on the "Diseases of Children," based on an experience of over forty years service as physician of the city Orphan House. His son, George William Logan, the father of Professor Samuel Logan, was a lawyer and judge, and died a few years ago at a ripe old age, universally beloved and respected.

Professor Logan's mother was a daughter of





Amos Lopez M.D.



Dr. Joseph Glover, a highly distinguished physician of Charleston, and member of an old South Carolina family. Her name was Ann D'Oyley Glover, the middle name being derived from her father's mother, who was the daughter of Colonel Daniel D'Oyley of Charleston, S. C., of Huguenot descent.

Samuel Logan received his preliminary education in Charleston and then entered the University of the State, at Columbia, S. C., but did not finish his curriculum at that institution. His father, with a family of thirteen children, experienced such pecuniary losses that young Logan determined no longer to be a burden on him. At nineteen years of age he began to struggle for himself, and left the university a year before his class graduated. This was a great disappointment, especially as he stood among the first of a very large class, and was recognized as one of the aspirants for its first honors. Always with an eye to the study of medicine he taught school during the summer, and attended the next session of the Medical Department of the University of Louisiana, in New Orleans, the same institution in which he is now one of the professors. In this city he had even then many relatives. He graduated in medicine in 1853 at the South Carolina Medical College, in Charleston, S. C., standing at the head of his class. He commenced the practice of his profession in the parish of St. Andrews, adjacent to Charleston, soon secured a remunerative practice, and in three years was enabled to remove to the city. He had been there less than a year when he received the appointment of Assistant Demonstrator of Anatomy in his professional *Alma Mater*. Dr. F. P. Miles, the Demonstrator, was elected to the chair of Anatomy a year afterwards, and Dr. Logan was then appointed in his place. He filled this position as well as that of Lecturer on Surgery in the Summer Medical School, and Adjunct Professor of Surgery in the college, till the outbreak of the civil war. During the preparations for the reduction of Fort Sumter he volunteered his services to the Surgeon-General of the State

for duty on the famous floating battery, and served in that capacity during the bombardment. He entered the Confederate service as surgeon at the inception of the struggle, and was assigned to duty at a hospital in Richmond, to which many of the Federal wounded were sent from the first battle of Manassas. It was in this hospital that his army reputation began. In all probability he was the first surgeon—certainly in the Southern army—who resected the shoulder-joint for gunshot wound received in battle. The subject was one of the Federal wounded at the first Manassas, and a patient at the hospital above mentioned. The case terminated successfully, the patient having been heard from within a few years. This operation, together with many others of less note, in all probability induced the Confederate Surgeon-General to give Surgeon Logan a rather unique assignment in a few weeks. Early in the war, physicians were abundant but surgeons few. To meet a supposed demand for surgical experience and skill, Dr. Logan, as soon as the wounded from the battle of Manassas had been nearly disposed of, received orders to report to General Lee, then opposing Rosecrans in Western Virginia, for duty as "Operating Surgeon in the field with his command." The position was one not exactly mentioned in the army regulations, and occasioned some remarks in army circles; but, with the exercise of a little tact, no serious difficulty was encountered in carrying out the object of the Surgeon-General. Most of the physicians attached to the command as surgeons and assistant surgeons seemed soon to recognize the propriety of the arrangement, especially as the instructions of the Medical Director left it discretionary with the surgeons to send such wounded only as they deemed advisable to the field hospital established by Surgeon Logan, for the purpose of assisting them in the care of their most serious cases. Towards the close of the hard campaign in this part of the Confederacy, Surgeon Logan was prostrated by a nearly fatal attack of typhoid fever which threw him out of active service for about three months. When he again reported for duty, General Lee had been

assigned to duty in command of the troops engaged in defending the coast of South Carolina, Georgia and Florida. Surgeon Logan was assigned as Medical Inspector to this command. He inspected and reported on the hygienic condition of each camp, and organized many hospitals along the line. This was a laborious and invidious position, for the troops were raw, and the subordinate officers had as yet learned but little regarding the prime importance of army hygiene. Much good was effected, however, by the unflinching performance of duty in reporting the general neglect of camp cleanliness to headquarters, and it was not long before matters improved in this respect. Surgeon Logan was kept on duty in this department till the active campaign around Petersburg caused a still greater concentration of forces under Lee's personal supervision. In the spring of 1864 he was ordered to report for duty in the main army; and was occupied in the organization of a receiving hospital near Petersburg, in charge of which he remained till the threatened attack on Wilmington, N. C., caused a concentration of troops in that neighborhood, when he received orders to report as Medical Director to Major-General Whiting, then in command in that department. Again he was actively employed in organizing and inspecting hospitals for some months. He remained in this service on the staff of Major-General Whiting, and afterwards of General Bragg, till the abandonment of Wilmington and the absorption of the forces by those of General J. E. Johnston. Surgeon Logan was then ordered to report to General Johnston for duty as Medical Inspector for the troops and hospitals in North Carolina. Expecting a very active campaign the duty of organizing new hospitals again devolved upon him, and under most inauspicious circumstances. Sherman had destroyed communications to the south. Lee's army had filled all the hospitals to the north; a large force had suddenly been concentrated under General Johnston in North Carolina, whose hospitals were already full, and whose hospital material and supplies were well nigh exhausted in caring for not only

the Confederate sick, but the vast horde of Federal prisoners at Salisbury and elsewhere.

To meet the expected emergency was indeed a hard problem; but school-houses, churches, warehouses, hotels, etc., were inspected from one end of the State to the other. Every point at all accessible was visited, and many buildings seized and prepared as well as was practicable. Facilities, at least for the ordinary accommodations of the sick of the army, were promptly provided; and these were being steadily perfected and extended to meet the emergency of the active campaign which seemed imminent, when the rapid collapse of the Confederate cause put an end to further labor in this line. Surgeon Logan surrendered with General Johnston's staff at Greensboro, and he then directed his line of march towards Columbia, S. C., to which point his father and six sisters had fled when Charleston was being bombarded. For many months private anxieties had added their weight to the public cares which pressed so hard upon him. The residence occupied by his father and sisters in Columbia had been destroyed with all its contents in the fearful conflagration which celebrated Sherman's arrival in that city. All the family stores—clothing, family relics, the Doctor's books, instruments, manuscripts, including almost all his surgical war notes (sent there for *safety!*)—were destroyed. The family for three days found a refuge in the corridors of the insane asylum, before they could be provided for by their less unfortunate friends. At last they succeeded in finding a resting-place in the house of a friend who had retreated as Sherman advanced; and here Dr. Logan found them when, jaded and worn out, both horse and man, he reached the city. Something had to be done—a new road had to be struck out; and we next find the Doctor in the capacity of a stage-driver. Immediately after the close of the war, the refugees from the low country began to flock back to their old haunts by the seashore. The railroads had been destroyed, and there arose a great demand for other means of transportation across the smouldering path of some forty miles which Sherman (IN THIS NINETEENTH CENTURY!)

had strewn with ashes. With the army horses of his brother, General T. M. Logan, then detained in Virginia, and his own, Dr. Logan started a stage line, consisting of an open spring wagon filled with wooden chairs and drawn by two horses, which he and his father drove back and forth across the gap in which there was no railroad capable of being used. In this way mainly, bread and meat were procured for the family till the ensuing winter, when all were moved back to Charleston. At the session of the South Carolina Medical College of the years 1865 and 1866, he performed his former duties as Demonstrator of Anatomy and Adjunct to the Chair of Surgery, but in the following summer he was elected to the Chair of Anatomy in the Medical College of Virginia, in Richmond, Va. He removed, therefore, to that city in the fall of 1866, and delivered one course of lectures on Anatomy, after which he accepted the Chair of Surgery tendered him by the New Orleans School of Medicine in the summer of 1867. He removed to New Orleans early in August of that year, and in 1869 was elected Dean of the New Orleans School of Medicine. In 1872 he was elected Professor of Anatomy and Clinical Surgery in the Medical Department of the University of Louisiana, which position he still holds, besides being actively employed in a large practice with a special reputation as a surgeon. Professor Logan has made his mark as a teacher, in which rôle he is particularly noted. His bedside instruction and his clinical lectures and operations rank him among the first teachers in practical surgery. He has always evinced great interest in the improvement of the system of medical teaching in the United States—a subject yearly attracting more and more of the attention of the prominent members of the profession. In order to aid in this desirable object, Professor Logan was the first to suggest a plan which seems at last to be assuming a practical shape, as may be seen by the following extract from the proceedings of the meeting of a Medical College Convention held at Washington, D. C., April 30th, 1870:

“The Secretary read the resolutions offered

by Professor Logan previous to the last adjournment; *i. e.*, WHEREAS, This Convention has failed to secure the assent of a majority of the regular Medical Colleges of the United States, to the system of improvement in medical education recommended at its last session; *and whereas*, it is the opinion of this Convention that the best means by which a judicious system of gradual improvement in medical education can be inaugurated by the Medical Colleges of this country will be found in the *associated action* of such colleges as will unite for that purpose; it is hereby *Resolved*, First, that a committee of nine be appointed, whose duty it shall be to communicate with the Faculties of all the regular Medical Colleges in the United States with the view to ascertain how many and which may be willing to become members of an Association of Medical Colleges, having for its prime object the improvement of Medical Education. Second. That the chairman of said committee be instructed, as soon as he shall have received affirmative replies from ten regular colleges, to inform each Faculty so consenting of the fact, and to request that each Faculty elect one or more delegates to convene on the Friday before the day appointed for the meeting of the American Medical Association in 1871, and at the place of meeting chosen by that body—said delegates to be fully authorized to pledge their respective faculties to the acceptance of whatever definite plan of improvement in medical education may be adopted by the body in convention. Third. That it is hereby recommended that said delegates organize themselves, in behalf of their respective institutions, into a permanent Association of Medical Colleges for the above-mentioned object, and with the view of co-operating with the American Medical Association and the profession at large in efforts to accomplish so desirable an end. Fourth. That Professor N. S. Davis, the Chairman of the Committee appointed by the Convention of 1867 to communicate with the Medical Colleges on the same subject, be made the chairman of this committee, and that the committee be authorized to fill any vacancy which may occur in its ranks. On the

motion of Professor Bemiss, they were unanimously adopted. The Vice-President in the chair filled the committee called for in the first resolution as follows: Professor N. S. Davis, of Chicago, Chairman; Professor Samuel Logan, of New Orleans; Professor A. Hammer, of St. Louis; Professor T. Parvin, of Louisville; Professor S. D. Gross, of Philadelphia; Professor A. C. Post, of New York; Professor George C. Shattuck, of Boston; Professor George C. Blackman, of Cincinnati; Professor A. P. Talley, of Columbia, S. C."

The Association of Medical Colleges, as suggested, is now in successful operation. Professor Logan first appeared in the medical literary world as one of the editors of Gedding's *Surgery*. This work was gotten up from the notes of the lectures delivered by the distinguished Professor Eli Geddings, of Charleston, S. C., in the South Carolina Medical College. It was published in 1858, and was intended to meet the wants of the large classes then attending that institution. It met with a warm appreciation. In order to complete the work certain subjects which had been necessarily omitted by the lecturer were treated by the editors in separate essays, which were incorporated in the body of the book. Dr. Logan's essays were highly complimented by the medical journals, one of these essays (that on Syphilis) being pronounced by a standard authority (*American Journal of Medical Sciences*) the most thorough discussion on that subject which had at that time appeared in America. Dr. Logan has been a frequent contributor to the current medical literature. A few of his publications of special importance may be mentioned.

The subject of the prophylactic treatment of the malarial fevers occupied the attention of the Medical Department of the Confederate government early in the war, many of the troops having been necessarily much exposed to miasmatic influences. In order to test the effects of quinine with scientific accuracy, as a prophylactic, Surgeon Logan, while on duty on the South Carolina coast, instituted careful observations on the troops stationed along that

sickly region. These observations continued throughout the whole summer, and were embodied in an article which appeared first in a medical journal published during the war in Richmond, Va., but which was soon widely copied into other journals in Europe as well as America. The observations were made on a large scale, and showed in tabular form the relative numbers attacked by malarial fevers of those who took quinine as a prophylactic and those who did not—the parties being in all other particulars identically situated. These observations demonstrated the decided, though not absolute, prophylactic power of quinine in the malarial forms of fever. The ethnological differences between the skulls of the Caucasian and African have been long ago carefully investigated; but comparatively speaking, not much has been done in the comparison of the rest of the skeleton.

While Demonstrator of Anatomy in Charleston, during the years immediately preceding and following the war, Dr. Logan investigated this subject, and in the number of the *Richmond Medical Journal* for June, 1867, the results of his admeasurements and his study of this subject will be found embodied in an article presenting facts previously unknown. The bearing of these facts on medico-legal science was also pointed out.

An elaborate article, entitled "Cancer not Primarily Constitutional," was published by him in the *New Orleans Medical and Surgical Journal* for October, 1867. The views therein advocated have since gained ground markedly, and are now held by many distinguished pathologists, though at the time this article appeared the opposite opinion almost universally obtained. In the same journal (July, 1873) Dr. Logan gave, in reporting a remarkable case of removal of a cancer, a rather novel view in regard to the "Prognosis of Cancer." In the same journal, at a later date, appeared an article containing an original view of the pathological processes involved in the progress and evacuation of abscesses, and a law was proclaimed which set aside the former explanations. No

contradiction of this new law has yet appeared.

In the *Richmond and Louisville Medical Journal* (1869) he published the description of a new method of reducing dislocation of the femur—though he had already published the same plan in a clinical lecture, an abstract of which was given in the *New Orleans Medical and Surgical Journal* for July, 1868. In the Transactions of the American Medical Association for the year 1870, will be found an article, which had been read by Dr. Logan before the surgical section of that body, on a “New Method of Reducing Dislocations of the Humerus.” In the number of the *Richmond and Louisville Medical Journal* for August, 1872, appears an article on “Excision of the Left Scapula Subsequently to Resection of the Head of the Humerus of Previous Date.” A very useful limb resulted, as was demonstrated to the medical class in attendance at the University of Louisiana years after. This is believed to be probably the only case of the kind recorded in American medical literature, and possibly in European also. The case has been frequently referred to in the surgical writings of the day. Omitting many other publications, we find an exhaustive article on “Injuries of the Head,” commencing in the number of the *New Orleans Medical and Surgical Journal* for October, 1877, and continued in subsequent numbers. It contains many original ideas, but one of special note. A great deal has been written in works on gunshot wounds, on the differences presented between the orifices of entrance and exit in such injuries. As a rule the orifice of entrance is smaller and less lacerated than that of exit. Many explanations have been attempted, but that presented by Dr. Logan in this article seems irrefutable. He contends that it is simply a question of comparative support, the surface receiving the most support—usually, but not always, where the ball enters—being the least torn. We quote as follows:

“I have held and taught these views in regard to this oft-mooted question, since 1860, at which time I demonstrated their truth on the dead subject. I fired balls through the limbs with the

latter braced against a piece of soft wood, and invariably the orifice of exit was the smaller, for the support of the wood to the surface of exit was greater than the support of the tissues to the surface of entrance, notwithstanding the loss of momentum, and according to Teevan’s theory, the possible accumulation of material, like a rolling snow-ball, by the missile. I claim for my simple theory that it not only explains the phenomena of gun-shot orifices in skull wounds, but also the not infrequent and otherwise puzzling exceptions where, in other portions of the body, we find the orifice of exit smaller than that of entrance. Some chance support is probably present in all such instances. I saw several cases during the war in which the patient, having been on horseback, the ball traversed the thigh where it rested firmly against the saddle, this fact explaining the comparatively small orifice of exit. The importance of this discussion becomes apparent when we consider its medico-legal bearings. We can only testify that, as a rule, the orifice of entrance is smaller and less torn than that of exit; and it seems to me that the exceptions to the rule might be fully and satisfactorily explained on the principle I advocate even to an ordinary jury” (see *New Orleans Medical and Surgical Journal*, November, 1877, p. 369).

As a specimen of Professor Logan’s literary ability, we make the following extracts from his salutatory at the commencement exercises of the Medical Department of the University of Louisiana, March, 1879:

“Man and his relations! Here may be found a field for the gratification of every variety of intellectual taste, and no danger of satiety, for new wonders and new incentives for further and still further study arise at every step in any direction in which your special taste may lead you. Man has been well said by some of the older sages to be a microcosm of the universe. In his nature we find represented, not only the material constituents of that universe, but the forces which operate therein. He is thus a microcosm of the universe, but he is something more. He has that within him which is above and beyond

all the rest of God's creation—that incomprehensible, mysterious, self-conscious, reasoning soul, which, while it constitutes the sceptre of his power over the rest of creation, at the same time binds him in a conscious dependence on the Great Creator, whom we have been thus truly taught to call, with becoming reverence, 'Our Father.' Can there be found in all nature so grand a theme for our contemplation, and speaks not the poet well, when he says that 'The noblest study of mankind is man?' No study so elevates the mind towards the Great Source of all Truth, or should more tend to bow the soul in humble reverence before the footstool of Him 'from whom and of whom are all things, and without whom there is nothing.' All seekers after truth are, by the very act of doing so, brought so much the nearer to God, who is truth. The astronomer with painstaking zeal collects and collates the phenomena presented by the heavenly bodies, calculating their speed, measuring their size, tracking them in their far-coursing orbits, arranging them in their natural systems; and as reducing his knowledge to law, he rises higher and still higher in his grand generalizations, he finds himself drawing nearer and yet nearer to Him who 'holds the earth as in the hollow of his hand, and guides the planets in their orbits.' The geologist penetrates the earth's crust, layer after layer, and as he peruses the tabulated records of former ages, there indelibly preserved, he feels that there also is to be seen, far back, ages and ages beyond all recorded time, the same forming hand which now, as then, gives life and law to all things. The chemist penetrates the veil still deeper, and while he watches with curious eye the molecular actions which underlie all changes, he, too, feels the Invisible Presence. The student of organized nature finds still higher and more intricate design in every plant or animal whose structure and whose growth he examines. As he studies the anatomy and the physiology of plant or animal, he finds himself absorbed in the contemplation of the wonderful powers exhibited by what we call *life*. Led, indeed, by these sciences, we penetrate into the secret hiding-place of that

mysterious agency; and do I hazard too much in saying that these sciences have found this hiding-place, this long sought *sanctum sanctorum*, to be simply a little microscopic cell? May we not affirm that herein resides at least this mystic power we call *life*, even if we are still constrained to acknowledge our absolute inability to define what it is? A cell—a little microscopic cell—the parent, the *fons et origo* of all structure, what is it? A simple cell-membrane containing a fluid, semi-fluid, or granular material, and generally a nucleus and a nucleolus. And this is pretty nearly all we can see in that wonderful little body, that mysterious little workshop, wherein Nature elaborates her grandest and her most curious designs. Lo! a wonder and a constantly repeated miracle! In this simple little body resides the skill, and from it issues the power which uplifts the trunk of the giant oak to heaven, and plants its grasping roots deep and far into the earth; which clothes the fields in green, and covers the hill-sides with the summer flowers; which peoples the ocean with teeming life, there builds its coral continents, and decorates their jagged cliffs with a drapery of tangled sea-weeds; which fills with life the wet morass, the arid plain, the lofty mountain slopes; which peoples the earth with successive generations of human beings, and supplies all the wonderful energies with which that phase of life abounds; which, in short, working through the whole vegetable world, clothes all nature with a magical beauty, which no fairy-land of the imagination can excel; and, moving through the whole animal creation, fills the world with active, happy life, and evokes from each living being the marvellous phenomena of sensibility, motion, instinct, passion, nay, even perhaps thought itself! Thus, by a wonderful process quietly going on throughout the vast domain of organized nature, by the constant workings of the mystic God-given power which is ever busy in each little organic cell—each effecting its special purpose—we see evoked from these simple elements a variety of phenomena as astounding in character as exhaustless in extent; we perceive the beautiful results of



an energy as powerful as it is mysterious and past finding out.

"We reach now, and we feel that we are in the actual presence of those 'things unseen,' which are in truth more real than the 'things seen.' They are more real for they are the more potent, moulding, as they do, the passive and mere material world to suit their special purposes. Does not this contemplation bring us near, indeed, to the Great Unseen Himself? The microscopist, viewing through the object-glass of his instrument one of these little cells, has gone as far into nature's mysteries as human intellect will probably ever penetrate. He stands at the confines of the unknown and the unknowable—at the very entrance to that 'holy of holies,' before which it becomes us to recognize our finite powers, and rest content to bow in humble acknowledgment of our comparative ignorance, and in adoration of that Almighty Being whose presence we must feel encompassing us on all sides, meeting us where'er we turn. The student of man is lifted into yet a still higher sphere, is brought to a still nearer communion with his Maker. It becomes his special privilege to see in his own mental nature, superadded to the mere animal life, a reflection, a flickering ray it may be, of Him who 'knows all things and from whom *nothing* is hid.'

"When, from observing the peculiar shape, size, structure, changes, etc., of any part of the human body as taught by anatomy, we infer its *functions* as taught by physiology; and when we again take into consideration the relations of that special part, and its function to other functions of other parts; and yet again when we observe how many various and apparently diverse parts or organs, with their respective functions, all concurrently tend to the production of some one common result, and we see that that result is of evident importance, more or less, to the existence and the well-being of the individual or the species—when we thus see that each and all are related parts of a great *plan*, we wake to the consciousness that, while learning step by step to descry the numerous evidences of intelligent and beneficent design specially imprinted

upon this portion of God's creation, this *chef d'œuvre* of creative power, we are really learning to read, letter by letter and syllable by syllable, it may be—mere school-children of Dame Nature as we are—yet, truly and understandingly, to read the very thoughts of the Almighty Himself. It is a trite but true expression that the true philosopher, while studying at the feet of Nature, learns from her inspired lips

"'To look from Nature up to Nature's God.'

Nothing can be more false than the old scandal which accuses our profession of a tendency to atheism. It was only in the days when religion was identified with blind superstition, and when the mere dissent of the student of Nature from the dogmatic dicta of sectarianism was branded as atheism, that the old adage, '*ubitres medicæ duo athei*,' could receive any credence. He who, with all the light of modern anatomy and physiology to guide him, studies the human body and uses his common sense, observing, as he must, so plainly written there the most indisputable and overwhelming proof, as I have already remarked, of all-wise and all-benevolent *design*; he who does this, and then with unabashed and brazen front presumes to say 'there is no God,' must be either a fool or a lunatic, as some one has expressed it; otherwise, he speaks not what he must feel to be the truth. True philosophy and true religion can never in the end be at variance, for all truth is but one; and is not Tertullian correct when he says that 'Philosophy and Medicine are twin sisters?'"

Professor Logan was President of the New Orleans Academy of Medicine in 1872, and President of the New Orleans Medical and Surgical Association in 1876. He is a member of the South Carolina Medical Society; of the Academy of Medicine, Richmond, Va.; of the New Orleans Parish Medical Association; of the Louisiana State Medical Association; and of the American Medical Association. He was married, September, 1871, to Mary Virginia, only child of Hon. George R. King, formerly Judge of the Supreme Court of the State of Louisiana, and has four children.

## DR. JEROME COCHRAN.

## ALABAMA.

**T**HE Cochran family is one of very ancient date, and is widely disseminated on both sides of the ocean. In the old country they are very numerous in Scotland, and in the north of Ireland, where for centuries many of them have occupied high positions.

According to the traditions of the family in this country, two brothers came over to the new world many years before the Revolutionary war and settled, one in Virginia and one in Pennsylvania. Of the fortunes of the Pennsylvania branch of the family nothing need be said here.

The Virginia family increased rapidly in numbers, and, after spreading over many counties of the Old Dominion, overflowed into the States of Georgia, Alabama, Mississippi, and Texas, carrying with them everywhere the feeling of clanship inherited from their old world ancestors.

Dr. Jerome Cochran was born in Moscow, Fayette county, Tenn., on the 4th day of December, 1831, while that county was still in the backwoods, sparsely settled with whites, and largely occupied by Indians of the Choctaw and Chickasaw tribes. His father was Augustine Owen Cochran, and his mother Frances Bailey, of whom he was the oldest son and the oldest child save one—a sister who died in infancy. While Jerome was still a mere child his father moved into Marshall county, Miss., where he spent the larger portion of his life as a planter engaged in the cultivation of cotton. Here also Jerome passed a feeble and sickly childhood, after the fashion of country boys in new countries, seeing nothing and hearing but little of the great world and its multiform ambitions, excitements, and dissipations. After his twelfth year he was put to work on the farm, side by side with his father's negroes, handling the plow and the hoe like them, and like them exposed to wind and weather. During the summers, when the press of farm work was over, he went to an old field-school in the neighborhood, where he acquired the rudiments of an English educa-

tion. Subsequently he supplemented this poor beginning by an extensive course of reading and private study, gleaning everything within his reach in the fields of mathematics, logic, political economy, metaphysics, theology, biology, general literature, general science, and the modern languages. He was aided in this rather remarkable course by a very tenacious memory, and by natural indifference to the usual amusements and distractions of youth. His appetite for knowledge was voracious, and his faculty of acquisition so phenomenal as to excite the surprise of all who knew him. History, philosophy, poetry, fiction, science, nothing came amiss to his hungry intellect; and often after a hard day's work in the field he would hang over his books until after midnight, and sometimes until the breakfast bell rang next morning without going to bed at all.

At nineteen years of age he began life for himself as a country school-teacher, a business which he continued for about six years, making some money, accumulating books, and widening continually his field of study. In 1855 he married Sarah Jane, daughter of Jared Collins, a well-to-do farmer of De Soto county, Miss. In the same year he made the acquaintance of Dr. Robert H. Harrison, who was then Professor of Materia Medica and Therapeutics in the Botanico-Medical College of Memphis, a man of fine natural abilities, who induced him to become a student of medicine in that institution. Here he attended two courses of lectures, and graduated as Doctor of Medicine in the spring of 1877. He went into this school without any preliminary preparation at all; but with his usual energy he soon placed himself at the head of the class, and was elected to deliver the valedictory address. The curriculum was very similar to that pursued in regular medical colleges, except in the departments of practice of medicine and materia medica, so that the time spent here was by no means lost. He learned enough long before his graduation to satisfy himself that the peculiar doctrines of the botanic system were untenable. His graduating thesis was a formal argument against the doctrines of

fever and inflammation which were taught in the school, and his valedictory address was an energetic protest against medical sectarianism.

The next two years were spent in the practice of medicine in north Mississippi, when, his ambiguous position in the profession becoming irksome to him, he went in the fall of 1869 to Nashville, Tenn., where he entered the medical department of the university, and became the favorite private student of Professor W. K. Bowling, who was the incumbent of the chair of Theory and Practice. Here his Memphis diploma counted for nothing, and he was obliged to commence again as a first course student. He, however, through Professor Bowling's influence, obtained immediately the position of Resident Student in the Hospital of the State of Tennessee, and at the close of the session, in the spring of 1860, he was placed in charge of the hospital, as Resident Physician. After two winter courses of lectures and one summer course, he received the regular degree, in February, 1861. Here again he was elected valedictorian by the graduating class, which numbered 154 members, the largest graduating class ever known in the South.

It was in the spring of 1861 that the great civil war broke out between the States. Dr. Cochran, after spending a few months at his old home in Marshall county, and after a brief sojourn with the Mississippi troops at Corinth, went into the Confederate hospital at Okalona, Miss., as a Contract Physician. This hospital was the principal asylum of the sick and wounded of the Confederate army after the battle of Shiloh; it contained 3,000 beds, and was the largest Confederate hospital outside of Richmond. Whilst employed in this hospital the doctor applied for appointment as Surgeon in the Confederate army, for which position he was recommended by the Board of Medical Examiners stationed at Mobile, Ala. In response to this application the Surgeon-General, Dr. S. P. Moore, sent him a commission as Assistant Surgeon, which was promptly declined, and as promptly followed by an appointment to the full rank of Surgeon. This was early in 1862.

Dr. Cochran continued on duty at Okalona until after the battle of Corinth, in 1863, when this post had to be abandoned. The remnants of the big hospital were transferred, in part, to Meridian, Miss., and in part to Marion Station, a railroad village five miles north of that city. Dr. Cochran was retained at the latter place for several months. During this time, and indeed near the close of it, he was badly crippled from a severe contusion of both ankles, occasioned by jumping from a railroad train that had run from the track. This accident compelled him to the protracted use of crutches. Nevertheless, he remained on duty, and was in charge of the stores at Marion Station when General Sherman, after the fall of Vicksburg, advanced upon Meridian. All the other surgeons had gotten out of the way; but he remained at his post, in spite of his crippled condition, loaded all the empty cars he could get hold of, and at the last moment attached his cars to the last engine that went down the road to Mobile, thus saving to the Confederacy a hundred thousand dollars' worth of hospital property. He passed through Meridian with his stores at nine o'clock on Saturday night, and Sherman entered the town at sunrise on Sunday morning.

These stores were ultimately turned over to the medical purveyor at Montgomery, and Dr. Cochran was ordered to open a hospital at Tuscaloosa. He accordingly proceeded to that place, and rented the old Indian Queen Hotel as the best available building for the purpose; but, just as it was ready for occupation, he was ordered to turn it over to Dr. Anderson, and to proceed to Gainesville, in the capacity of Surgeon of the post there. The order had to be obeyed; but, feeling himself aggrieved by this action, he addressed to the acting Medical Director of the department, Dr. Preston B. Scott, of Louisville, an exceedingly severe letter, which led to his being detailed for the examination of conscripts in north Alabama. By virtue of his rank he was President of the Board. He made his head-quarters at Tuscaloosa, but his field of duty extended over the counties of Tuscaloosa, Fayette, Jefferson, Marion, Blount and Walker.

At the time of the surrender he was at Tuscaloosa, with his family, and while waiting for the confusion to subside, which was incident upon the changed order of things, he turned his attention to the study of mental diseases, in the State Insane Hospital, at that place, then and now under the charge of Dr. Peter Bryce.

Towards the end of June, 1865, he came to Mobile, a perfect stranger and without money, for the purpose of practising his profession. His efforts in this direction were crowned with very gratifying success for a period of five years. But in February, 1870, he visited Nashville to deliver an address before the Alumni Association of his medical college. The trip was made during an intensely cold spell of weather, and he contracted a very painful disease, which disabled him from active work for several years, and from which he has never entirely recovered. At first it attacked the muscular system and the joints, and was regarded as rheumatism. Subsequently it invaded the alimentary canal, and assumed more of a neuralgic character. He was much improved by "roughing it" for three months in northeastern Texas and the Indian Territory in the summer of 1875, and has remained, not well, but better ever since.

In 1868 he was elected Professor of Chemistry in the Medical College of Alabama. Fault was found with him in 1870 by some members of the faculty, because he taught, in private lectures at his office, a different doctrine of cerebro-spinal fever from that taught by the professor of clinical medicine at the college, whereupon he promptly tendered his resignation, which, however, he was finally induced to withdraw. It may be added, that a year later the clinical professor had the magnanimity to state, in the Mobile Medical Society, that in this controversy, as to the nature of cerebro-spinal fever, he had been entirely wrong, and Dr. Cochran right. He again tendered his resignation of the chair of Chemistry in 1873, this time peremptorily, on account of a disagreement with the faculty, growing out of an attempt made by them to take the City Hospital from the control of the Sisters of Charity, who held it under a

lease from the city. He opposed this movement because he believed it to be unjust, impolitic, and certain of failure; and fail it did disastrously. Before the commencement of the next session of the college, the faculty created for him the chair of Public Hygiene and Medical Jurisprudence, which he filled until 1877, when he resigned it under the following circumstances: In the bill to Regulate the Practice of Medicine in Alabama, which was then pending in the General Assembly, the faculty of the college was made one of the recognized boards of medical examiners, and the bill in this shape received the faculty's support. After some debate the General Assembly resolved to strike out this clause, and to leave the Medical College of Alabama on the same footing with medical colleges in other States, whereupon the faculty, by a majority of one, determined to oppose the passage of the bill. Dr. Cochran preferring the interest of the profession to the interest of the college, and not willing that any fancied allegiance to the faculty should embarrass his efforts with the General Assembly, immediately resigned his professorship.

Since 1870 Dr. Cochran has directed his efforts and studies almost wholly in the direction of public hygiene, and towards the bettering of the legislation of Alabama in respect of the laws regulating sanitary matters and the practice of medicine. So thoroughly did he comprehend the problems that he proposed to himself, and so completely did he solve them, that almost all that appears in the statutes of the State to-day in relation to public health and medical practice is his handiwork. That is to say, his plans have found acceptance with the medical profession and with the Legislature, and have been incorporated into the constitution and ordinances of the State Medical Association and enacted into State laws. (See "Revised Code of Alabama," 1876, sections 1516 to 1543 inclusive, and Transactions of the State Medical Association, *passim*.)

If the Code itself is not witness enough of his successful work, we have the more eloquent testimony of the medical profession, speaking

through the mouth of Dr. B. H. Riggs, the orator of the medical association, at Eufaula, in April, 1878. (Transactions, 31st session, page 172.) Said the orator:

"As Bichat and Hunter were the geniuses of the origin of the new era which I have attempted to briefly portray to you to-night, and Sims and Sayres are its choicest fruit and greatest modern exemplars, so there sits within the sound of my voice one whom I may appropriately style the genius of medical organization. Our medical association, with its complex machinery already in operation, and an adumbration of more, owes its present excellence and pre-eminence largely to the zeal, fidelity and energy of one mind. Patient, far-reaching, tenacious, learned, indefatigable, oftentimes misunderstood, and sometimes misrepresented, Dr. Jerome Cochran builded wiser than he knew in creating the plan of the State association. He deserves to rank as the apostle of organized medical action in the new era. As the British Medical Association has come to the United States for a code of ethics, so have older States in the American Union, and others are still to come, sought inspiration in studying our plan of organization."

Dr. Cochran's three great works are (1) "The Medical Association of Alabama," (2) "The Public Health System of Alabama," (3) "The System Regulating the Practice of Medicine in Alabama." These are severally entitled to separate treatment.

Dr. Cochran's connection with the Medical Association of Alabama commenced in 1868, when a meeting was called at Selma for reorganization, after eight years of suspension, in consequence of the war. At this meeting he was elected Secretary, a position which he filled at six annual sessions, and to which he was chosen six different times, and which he resigned in 1873 to take another and more important place. This association, like most other medical associations in this country, was a simple convention of doctors, very loosely bound together, with very few duties, and no penalties that were ever enforced. In the discharge of his functions as Secretary, Dr. Cochran very soon

discovered the inherent defects and weaknesses of this plan of organization, or rather of this plan of association, in which organization is conspicuous only by its absence, and with characteristic decision he at once set to work to devise a better system. His avowed aim from the beginning was to replace the loose convention of doctors, whose principal business was the discussion of questions of medical science, by a compactly organized, thoroughly disciplined and self-perpetuating medical legislature. All of this is clearly expressed in the second section of his now famous constitution, which is accordingly here quoted:

"The objects of this association shall be to organize the medical profession of the State in the most efficient manner possible. To encourage a high standard of medical education, and to regulate the qualifications of practitioners of medicine in the State. To promote professional brotherhood and encourage a high standard of professional ethics. To combine the influence of all the medical men in the State, so as to secure by legislative enactments their own legitimate rights and privileges, and the protection of the people against all medical ignorance and dishonesty. To encourage the study of the medical botany, medical topography and medical climatology of the State. To secure careful and reliable accounts of all the endemic and epidemic diseases of the State. In a word, to watch over and protect, encourage and aggrandize all the interests of the medical profession of the State."

The first general outline of his plan was presented to the association at the annual session, in Montgomery, in 1870, in the shape of a series of resolutions, which were referred to a special committee for consideration. The committee made an adverse report, on the ground that the scheme, however desirable in itself, was utterly impracticable. It was presented again, in the shape of a formal plan for a new constitution, at the Mobile session of 1871. This plan was discussed and ordered to be printed, and its further consideration deferred until the annual session of 1872, which was held in Huntsville. Here

it was evident that it would have commanded a majority of the votes present, but the author himself moved that it should be again postponed. It came up for final action at the Tuscaloosa session of 1873, where it was discussed elaborately, section by section, and where it was triumphantly adopted by a two-thirds vote.

The objections which were urged against it in the association were: (1) That it was too complex and cumbersome; and (2) that it was aristocratic and oligarchical, and hence inconsistent with the genius and institutions of the American people. To the first of these objections he made the following reply in a published address:

"Against this plan the objection is urged that it is too complex, that it lacks that perfection of simplicity which is necessary for the easy and efficient attainment of the ends in view. It is most strange to me that an objection of this sort should be urged by gentlemen who have so often heard me expose its weakness. It is stranger still that such an objection should be urged by persons claiming any decent acquaintance with the fundamental principles of comparative anatomy and physiology. It is strangest of all that argumentation so flimsy should be expected to influence the judgment of a body of educated physicians. Simplicity is in no case the measure of perfection. Exactly the contrary proposition is true, namely: that the measure of the complexity of an organism is also the measure of its perfection. And this rule is true, without exception, and applies to all organisms of every nature whatever. It is true of the animal hierarchy. The simplest animals stand lowest in the scale; the most perfect and the most powerful stand highest in the scale. Compare, for example, the shapeless mass of jelly which constitutes the body of *aurelia* with the elaborate and complex apparatus of organs which is found in the body of man, fearfully and wonderfully made. It is true in social organisms. Compare, for example, the rude and simple habits and laws of a tribe of African Hottentots, or Digger Indians, with the elaborate and infinitely complicated social and governmental arrangements of any civilized European or American nation.

It is true even of machines made by human hands. Compare, for example, an old-fashioned scythe with one of McCormick's reapers. I cannot now go into an extended development of this principle, but these few familiar examples must make it plain even to the commonest apprehension, and it would be an insult to the intelligence of the audience I am now addressing to suppose that further argument on this point could be needed to convince them—if, indeed, I ought not to apologize to such an audience for mentioning it at all. The case is so clear that only the blind could fail to see it."

To the second objection he replied in substance as follows:

"The doctrines of freedom and equality furnish favorite themes of *ad captandum* declamation to American demagogues, who, as a rule, care a great deal for office and the emoluments of office, and very little for the imprescriptible authority and majesty of truth; but we seek in vain for any realization of these doctrines in any of the kingdoms of nature, or in any of the kingdoms of men. In the words of Pope,

"Order is heaven's first law, and this contest,  
Some are, and must be, greater than the rest,"

and it certainly does not require any very lofty intelligence to understand that the rule of the wise few is better than the rule of the ignorant many. Hence it is that everywhere, whether nominally so or not, yet in fact and reality, the reins of power are in the hands of those to whom superior wisdom has given superior strength. The strong rule the States. The strong rule the churches. The strong rule everywhere, and everywhere rule by divine right. And everywhere, in the words of Mr. Ruskin, 'Government and co-operation are in all things the Laws of Life; and anarchy and competition the Laws of Death.'"

The special features of this new constitution are: (1) A College of Counsellors, restricted in number to one hundred, who constitute a sort of *senatus consultum*, and who control the whole policy of the association; (2) a Board of Censors, composed of ten counsellors, whose term

of service is for five years, so arranged that two of them are elected every year, which constitutes a sort of cabinet council, and through whose hands passes all of the business of the association. It also contained, in the original draft, an elaborate provision of machinery for the administration of the law to Regulate the Practice of Medicine, and the law establishing Boards of Health, although neither of these laws were enacted until several years after its adoption. It is important to add, that the constitution is supplemented by a voluminous Code of Ordinances, which are published in what is known as "The Book of the Rules." Amongst these a few of the more important deserve to be mentioned by their titles, namely: An Ordinance in Relation to the Boards of Medical Examiners; an Ordinance in Relation to the Duties and Obligations of County Medical Societies; an Ordinance in Relation to the Revision of the Rolls; an Ordinance in Relation to the Publishing Committee and its Duties; an Ordinance Creating a Health Officer for the State. All of these ordinances are the offspring of the same mind that framed the constitution.

Dr. Cochran commenced his public labors in the field of public hygiene by a series of papers, which were printed in the *Mobile Register* newspaper in 1870, on "The Origin and Prevention of the Endemic and Epidemic Diseases of Mobile." These papers attracted a great deal of popular attention, and led to the adoption, early in 1871, by the city of Mobile, of a health ordinance, of which Dr. Cochran was the author, creating a health officer and placing the sanitary supervision of the city in the hands of a Board of Health elected by the Mobile Medical Society. This ordinance has been substantially adopted during this present year by the Port of Mobile, the municipal successor of the defunct city of the same name. Under it Dr. Cochran was elected Health Officer, and served as such for two years, namely: 1871 and 1872. In the following year the Republicans came into power, and abolished the Board of Health, and with it the office of Health Officer, instead of which they created an Advisory Board of Health and

a City Physician. This machinery failed to keep the yellow fever out of the city in 1873, and the Advisory Board became defunct. In the spring of 1874 small pox was brought into Mobile from New Orleans, and, in consequence of the negligence of the City Physician, became epidemic by the middle of November, having spread over the entire city. The Board of Trade became alarmed and invited the mayor to a conference. The result was that the original Board of Health was informally revived, with full power to act during the emergency. They at once re-elected Dr. Cochran as Health Officer, and adopted his plans of action without modification. He was furnished with two clerks for office work, seven vaccinating physicians, a disinfecting corps, and a detail of policemen for a general inspection. The city was canvassed as rapidly as possible, to ascertain the number and location of the cases, vaccination was compelled, houses inhabited by the sick were, as far as possible, isolated, houses vacated by small-pox patients were disinfected, and a new pest-house was built, to which were removed all cases not properly cared for at home. The result was a sanitary triumph without any parallel in the world's history. The epidemic was pressed back step by step, after it had spread all over the city, and during the season of the year most favorable for its propagation, and at last was utterly exterminated. Epidemics of small-pox have often been prevented by timely attention to the first few cases, but it is believed that this is the only occasion in which an epidemic under full headway has been met and conquered.

In November, 1877, Dr. Cochran was elected County Physician for Mobile county, for the term of three years, a position which he still holds (1879). In the great epidemic summer of 1878, when the magnitude of the danger of the city from importation of yellow fever made the character of the quarantine physician a matter of importance to the citizens, he was selected to be the physician at the lower quarantine station at Fort Morgan, and was invested by the Board of Health with very large discretionary powers. He resigned this position on the 30th day of

September, to accept a place upon the National Yellow Fever Commission, which was tendered him by Dr. John M. Woodworth, the Surgeon-General of the Marine Hospital service. He at once proceeded to New Orleans, where the commission first assembled for organization, and in the discharge of his duties as a member thereof, after two weeks spent in hunting up the histories of the earlier New Orleans cases, he visited the New Orleans quarantine station, Port Eads, Osyka, McComb, Jackson, Water Valley, Grenada, Holly Springs, Grand Junction, Chattanooga, Decatur and Memphis, making at every one of the places visited such researches as his limited time allowed into the introduction and dissemination of yellow fever amongst the people, the object being to trace the causes of the progress of the pestilence in time and space, in such way as to furnish reliable indications for protective legislation. From Memphis, leaving his work there unfinished, he went under orders to attend the session of the American Public Health Association, at Richmond, Va., commencing November 19th, 1878. The several members of the commission made to this body preliminary reports of their investigations, which were severally referred to special committees for consideration. Dr. Cochran's committee described the work done by him as almost superhuman. Returning from Richmond, Dr. Cochran resumed his investigations as a member of the commission, and visited Meridian, Okalona, Tusculumbia and Florence in that capacity. At Florence he received notification of his appointment on the Board of Experts, established to aid the Congressional committees of the Senate and House of Representatives in the investigation of the epidemic of 1878. The proceedings of those committees, and of the Board of Experts, is a portion of the public history of the Forty-fifth Congress. By far the greater portion of the field work for the collection of the data used by the Congressional committees and the Board of Experts had already been done by Drs. Bemiss and Cochran, and by Colonel T. S. Hardee, civil engineer, whilst members of the Yellow Fever Commission, so that the principal work

of the Board of Experts was to give information to the committees, and to formulate the conclusions warranted by the researches already made. Dr. Cochran was made Chairman of the Subcommittee of Experts on the Origin, Cause and Distinctive Features of Yellow Fever and Cholera. His committee was the first to report, and the report was adopted by the full board substantially as written. The thirty-four propositions—all of those in relation to yellow fever, of the conclusions of the Board of Experts—are especially Dr. Cochran's work, and constitute such a summing up of what is known of the natural and secular history of yellow fever as is nowhere else to be found.

The Board of Experts was dissolved on the 3d day of February, 1879. On the 11th of April of the same year Dr. Cochran was unanimously elected by the Medical Association Health Officer of the State for the term of five years.

This sketch of his public health services in other matters has been given as a fitting introduction to the account which here follows of his labors for the establishment of a wise system of public health administration in the State of Alabama.

The American Medical Association, at its annual session in 1871, appointed a committee composed of one member from every State in the Union, to urge upon the Legislatures of the several States the creation of State Boards of Health. At that time only two States had organized State Boards of Health, namely: Massachusetts and California; and these two were organized on the same plan, namely: the members, seven in each case, were appointed by the Governor from time to time, and were selected partly from the medical and partly from other professions. It was therefore very natural that this plan should have been adopted by the committee of the American Medical Association. Their memorial in this regard was presented to the General Assembly of Alabama in the winter of 1871-72, by the Alabama member of the committee, a distinguished physician of Montgomery. Dr. Cochran did not approve of this plan, and begged the gentleman in question to



withdraw it. He not only refused to do this, but pressed its claims with tireless energy, and invoked in its behalf the influence of a wide circle of medical friends; whereupon Dr. Cochran felt constrained to undertake the ungracious task of securing its defeat, which he did. He then formulated his own plan, and submitted it to the State Association, at the Huntsville session in 1872, where it was confronted by the other plan, which was also submitted by its friends, and where both plans were discussed with much earnestness and ability, and where, finally, Dr. Cochran's plan was indorsed by a decided majority of the association. It was again presented to the association at Selma, in 1874, in the definite shape of a bill embodying the details of the plan. This time it received the unanimous indorsement of the association, and the Board of Censors were ordered to present it to the General Assembly, which they did at its next session, when it was enacted into a law of the State, February, 1875. This law makes the State Medical Association the State Board of Health, and the County Medical Societies in affiliation with it, the County Boards of Health. These County Boards are under the general supervision and control of the State Board. The right to elect or appoint the officers and servants employed in the administration of the sanitary regulations is in all cases reserved to the Boards of Health, while all questions relating to salaries, appropriations and expenditures are reserved to the appropriate legal authorities.

This law was supplemented by another passed in February, 1879, which makes an annual appropriation of \$3,000 for health purposes, to be expended under the direction of the State Board of Health. Whilst this last measure was pending in the Legislature, Dr. Cochran was invited by the House to address it on the merits of the questions involved, which he did, speaking on the floor during the regular session. Those conversant with the usages of legislative assemblies will appreciate how signal a tribute of respect was conveyed in such a proceeding. After the address the House became almost as unanimous

for the bill as before they had seemed to be against it.

In no other State has such powers been intrusted to the medical profession, and the fact that it is so in Alabama is due almost entirely to the sagacity and professional devotion of the subject of this memoir.

The history of the "act to regulate the practice of medicine in Alabama" is almost a parallel to that establishing boards of health. The scheme was first outlined in the resolutions, already referred to, which were received adversely at Montgomery in 1870; and was included again in the plan for a new constitution for the association which was submitted at Mobile in 1871. It at length received the approval of the association when the new constitution was adopted at Tuscaloosa in 1873. The profession of the State being thus committed to the new policy, the next thing to be done was to get it approved by the legislative authorities. The draft of a proposed bill was therefore prepared for the consideration of the Selma session in 1874. This was brought forward again with some improvements at the session in Montgomery in 1875; and still again, with some additional improvements, at the Mobile session of 1876. At this last session the proposed law was unanimously accepted, and the Board of Censors were instructed to present it to the Legislature. It met with general acceptance in the Senate, but was actively opposed in the House. It finally passed, in a somewhat mutilated although still efficient form, on the last day of the session, and at once received the signature of the Governor. This law is remarkable as being the first in American annals which restricts the right to practise medicine to the members of the medical profession; and which invests that profession with the power to prescribe the qualifications of its own members. The act requires every person proposing to practise medicine in the State of Alabama as a preliminary to pass a satisfactory examination before one of the examining boards created and governed by the State Association. It refuses the right to practise upon a mere diploma of

graduation at some medical school. The very key-note of this scheme is the non-recognition of the college diploma; and it was this that provoked against it the professional opposition which it encountered. The doctors all over the State, and all over all the States, held their positions by virtue of their diplomas, and the proposition to degrade the diploma very naturally seemed to them of questionable character. The following extracts from a speech made by Dr. Cochran on this subject at Mobile will indicate the sort of arguments he was accustomed to make use of:

“Medical colleges in this country have always been conducted on the ordinary principles of political economy and commercial competition, and with a view to the pecuniary advantage of medical teachers. In a very large majority of instances the colleges have been built by private enterprise, and, with the exception of a very small number connected with State institutions, the salaries of the professors have been derived from fees paid by students. Philadelphia at first had a monopoly of the business, and she very naturally charged remunerative prices. New York, New Orleans, and other cities of large population and many incidental advantages next entered the list; and as the field was large and the gleaners few there was no need that they should reduce the fees and the qualifications. But after a while many interior towns, without so many incidental inducements, and without the prestige of the great tide-water cities, became ambitious to have medical colleges of their own, and went to work to accomplish their wishes according to the most approved methods of political economy, commercial competition, and the venerable law of demand and supply. The process was simple enough. It was only necessary to form a company of seven or eight doctors, build a big brick house, apply to an ignorant Legislature for a charter, and, lo! the thing was done. Full-fledged professors grew up in a night like Jonah's gourd, diplomas in high-sounding Latin and on excellent sheepskin could be ordered by the thousand, and the only thing left to do was to

get students. But students they must have or perish. And so, still in the spirit of our much lauded political economy—and, I dare to say also, in full harmony with the spirit of modern progress and civilization, and the declaration of independence, *et id omne genus*, that sought to attract students by appealing to their cupidity and their poverty by low fees and lax examinations. . . . But if the medical profession have no right of control over the medical colleges, there is one thing, at least, which they can control, and that is the terms of admission into their own ranks. This is not simply a privilege, but a solemn and important duty; and I undertake to say, that when the profession discharges this duty as it ought to be done, we will hear no more complaint of the short comings of colleges, no more complaint of incompetent and ignorant doctors.”

Dr. Cochran's religious history has been quite as remarkable as anything else in his career. Growing up in a country neighborhood, where most of the people were members of the Methodist communion, he naturally accepted without question the general principles and tenets of evangelical Protestantism; very naturally looked upon the Protestant reformation as one of the most glorious occurrences in the whole history of the human race; and also very naturally entertained the opinion that the Church of Rome was in very fact the scarlet lady of Babylon, and the mother of all possible abominations. From these comfortable convictions he was first awakened about the eighteenth year of his age by the preaching of a Universalist minister, who showed that it was quite possible to say something in favor of a very different set of doctrines. Once aroused to independent thinking, and once put in the way of independent investigation, he determined to explore the whole question of religious faith and obligation to its very foundations. To this end he read everything he could lay his hands on in any way connected with Christian polemics—read the standard works of most of the great Protestant writers; read the writings of the English Deists; read the writings of the French Atheists; read German rational-

ism; and finally drifted into modern scientific materialism. The result of all this was that he plunged deeper and deeper into the abyss of skepticism, until at last, like Rafael eben Ezra in Hypatia, he ceased either to believe or to disbelieve anything. This skepticism was not exclusively religious, but was philosophical also, ontological as well as theological. This *descensus averni*, unlike that described by Virgil, was slow and difficult, consuming some ten years of his life. The re-ascent, however, conformed to the Virgillian model—*hic labor, hic opus est*. Finding some glimpses of metaphysical certitude in St. Thomas of Aquin, he slowly made his way back into the regions of Christian faith, travelling always along misty metaphysical highways, until at last, in May, 1865, he was baptized into the Catholic Church. As might have been expected from his positive temperament, he is of the ultramontane school of that church; but what is remarkable is that he has been able to reconcile in his own mind his religious tenets with the acceptance of the most advanced views of contemporary science—with the philosophy of evolution, or what is commonly called Darwinism—two things between which, to almost every one else, there seems to be irreconcilable conflict.

And now a word as to Dr. Cochran's characteristics. A large head, a thoughtful and somewhat saddened brow, a firm mouth, a quiet, dark-grey eye, and a complexion rendered sallow by ill-health and sedentary habits, give ordinarily an air of stoical apathy to his well-formed, intellectual, and rather attractive face. This mask to strong passions, while it serves to conceal deep emotions, has the disadvantage of concealing, also, the silent revelations, if not the very existence, of those fine feelings of sympathy, friendship, and genial sociability which, on fit occasions, break forth as through a rift in a cloud, to the delight of his friends, and to the surprise of those accustomed to regard him as little more than an intellectual machine.

Intellectually he is of the most imposing proportions; and there is no exaggeration in saying, that he is one of the most learned men of the

South. Nature has largely endowed him with the capacities of a great scholar. A library with its books systematically arranged, numbered, and catalogued, in shelves, alcoves, and chambers, does not present a more perfect picture of order than does the vast amount of information on many subjects which his untiring industry has accumulated, and which an almost matchless memory has enabled him to retain. A fine command of language, a chaste and luminous style, aptness for philosophical speculation, large powers of analysis, comparison and reflection, a self-control which is never disturbed, and a self-reliance based upon a consciousness of strength, give him absolute command of his resources, and render him at once an able writer, an instructive and interesting talker, and a consummate master of debate. All the lines of his character are strongly marked. His pursuit of an object is untiring; and his zeal in whatever he undertakes approaches enthusiasm as nearly as his impassive temperament permits. He does with his might whatsoever his hand findeth to do. In debate his concentration upon the matter in hand, and his obliviousness of collateral results, unfortunately betray him at times into seeming disregard of the feelings of those who oppose his plans.

He is firm almost to obstinacy; and unselfish to the verge of improvidence itself. He has been known to persevere in his convictions in regard to an important public professional interest, and to struggle for their ascendancy, notwithstanding it involved the alienation of friends and the sacrifice of private interests with which he could ill afford to part.

Although not insensible to praise, and fond of a display of his talents, he cannot be considered vain. His passion for power displays itself rather in quiet methods and dispositions for the attainment of ends than in demonstrations of triumph at success.

The great objects of his public life in Alabama have been the organization of the medical profession, and its investment with legal powers and functions honorable to itself and useful to the State. In this field his great abili-

ties have given him an ascendancy and influence in the public counsels of the medical profession of the State which no other man has ever attained; and in it his success has been such as should be, and doubtless is, gratifying to his ambition and his pride.

His literary record is extensive. He has delivered a considerable number of addresses before various societies and scientific bodies, of which only a few have been published; and has written a considerable number of scientific papers, most of which have been published in the annual volumes of the Transactions of the Medical Association of the State of Alabama, and subsequently issued in pamphlet form. Of these, such as are most worthy of mention are included in the following catalogue:

Addresses:—"On the Principles of Organization, and the Evolution of Organic Forms" (pp. 53), delivered before the Alumni Society of the Medical Department of the University of Nashville, February, 1871; "On Medical Education, and the Degradation of the Profession by the Medical Colleges" (pp. 10), delivered before the Medical Association of Alabama, at Mobile, April, 1871; "On the Law of Duty and its Relations to Success in Life;" Memorial Address in honor of the Physicians who died in the great epidemic, delivered before the Alumni Societies of the University of Nashville and Vanderbilt University, February, 1879.

Scientific Papers:—"The Administration of Chloroform by Deglutition" (pp. 25), Nashville, 1867; "Endemic and Epidemic Diseases of Mobile; their Causes and Prevention" (pp. 48), Transactions 1871; "History of the Yellow Fever Epidemic of 1873" (pp. 63), Transactions, 1874; "The White Blood Corpuscle, its Physiology and Pathology" (pp. 51), Transactions, 1874; "History of the Small-Pox Epidemic of 1874-75 in the city of Mobile" (pp. 125), Transactions, 1875; "Yellow-Fever in Relation to its Cause," Transactions, 1877; "Hermaphroditism," Transactions, 1878; "What is Puerperal Fever?" Transactions, 1878; "Sanitary Administration, and the

Theory and Practice of Quarantine," pamphlet (pp. 64); State Board of Health, 1879.

Miscellaneous:—"The Health Ordinance of the City of Mobile;" "The Act Establishing Boards of Health in the State of Alabama;" "The Act to Regulate the Practice of Medicine in Alabama;" "The Act to Carry into Effect the Health Laws of Alabama;" "The Constitution of the Medical Association of the State of Alabama;" "The Annual Reports of the Board of Censors of the Medical Association of Alabama," for the years 1874, 1875, 1876, 1877, 1878 and 1879, ranging from twenty to eighty pages each of fine type. In preparation an exhaustive work on "The Zymotic Diseases in their Relations to Public Hygiene."

As a sample of Dr. Cochran's literary style and philosophical opinions, we add here an extract from a curious discussion of "The Mystery of Reproduction," abstracted from his paper on the "White Blood-Corpuscle," published in 1874:

"The most fundamental metamorphosis of a bioplast is its metamorphosis into formed material—into histogenetic elements. But this metamorphosis is not universal. There are many bioplasts which pursue an entirely different career—which undergo metamorphosis by the division of their bodies and thus become instrumental to the process of genesis, generation, reproduction—the process by which the multiplication of bioplasts is accomplished. The whole mystery of reproduction, in all the kingdoms of organic nature, is found here in the division of a bioplast—in the separation of one microscopic mass of living matter into two microscopic masses of living matter, for this is, in very fact, the separation of one living creature into two living creatures. The relations existing between growth and genesis are of the most intimate kind. Indeed, in the ultimate analysis they are but two phases of the same vital process. Growth is continuous development. Genesis is discontinuous development. We have seen that the multiplication of the lower animal is accomplished by two apparently different processes. But a little examination

shows that the two processes are really of the same essential character, taking place under the influence of different circumstances, and differing only in non-essential details. Both are processes of segmentation, that is to say, of single division. When the amœba is young, and its entire mass is composed of growing bioplasm, without any peripheral envelop of formed material, the segmentation involves the outside as well as the inside of the mass. But when the amœba is older, and has become enveloped in a layer of matter which has ceased to live, then the segmentation is confined to the living bioplasm within the envelop. Here, in the primitive type of the reproductive process, there is no such relation between successive generations as that of parent and offspring. The young amœba has neither father nor mother. One living creature has not produced another living creature, retaining at the same time its own individuality unimpaired; but one individual has passed entire with all its parts and powers, into several segments, each of which is a new individual. When we get a little higher up in the organic hierarchy, among creatures of larger size and more complex construction, the genesis of new individuals is still accomplished by segmentation; but in these the segmentation is partial instead of general—that is to say, the division does not destroy the individual identity of the creature which is divided. Here we might, in some intelligible sense, speak of parent and offspring. But at first, and through primitive types innumerable, the parent is neither father nor mother, and the offspring are neither sons nor daughters. As yet there is no sex. Reproductive segmentation may be either external or internal. In the case of external segmentation a bud grows out from some part of the external membrane which envelops the body of the parent and in due time is thrown off and left to shift for itself. In most of these cases the segmentation is necessarily external, because most of these creatures have no cavities in their bodies, and consequently no internal membranes which can give origin to internal segments. But as soon as, in the ascending scale of living

things, we arrive at creatures containing cavities in their bodies, it is within these cavities, and upon their lining membranes, that the segmentation occurs. The change from external segmentation to internal segmentation is not of so radical a nature as at first it appears to be. The internal membranes are only infolded portions of the external membranes—are, in other words, only portions of skin which have dipped down into the visceral cavities. These membranes, both internal and external, are covered with epithelium—with epithelium variously modified and differentiated according to circumstances, that is to say, according to the action of incident forces. And this rule holds good down to the smallest glands and follicles which open upon the skin, or upon any of the mucous surfaces. The mucous membranes, being thus mere involutions of the skin, are, in all essential particulars, of the same character with it. But inasmuch as they are softer than the skin, more permeable to the elements of nutrition, and more protected from adverse influences, they present more favorable conditions for the outgrowth of the reproductive buds or segments. It is for this reason that nature, always parsimonious and wisely frugal of her resources, selects these internal membranes as the instruments and agents of reproduction. And this stage of animal development being once reached, internal gemination, internal segmentation, internal reproduction becomes henceforth the invariable rule. And this little bud or segment, which is the beginning of a new creature, what is it? and whence is it derived? It is a little mass of bioplasm; and it is developed from one of the epithelial elements. In other words, it is a bioplast resulting from the metamorphosis of an epithelial cell. But what then is an epithelial cell? This also is a bioplast which has undergone a special metamorphosis. And whence this marvellous bioplast, which is the common germ alike of epithelial cells and of living animals? In the present state of physiology, its genealogy cannot be very confidently given. But more and more there is a disposition to accept the doctrine propounded long ago by

Dollinger, and more recently by Biesiadecki—the doctrine namely that the epithelial cell is derived by simple metamorphosis from the wandering white blood-corpusele. And if the epithelial cell is derived in this way from the white blood-corpusele, why then it is plain that the white blood-corpusele is the immediate ancestor of every living creature; yea, verily! that man himself, fearfully and wonderfully made, is but an infinitely developed migrating leucocyte. If it should be objected that Biesiadecki's doctrine of the origin of epithelium is not definitely established, this much, at least, remains certain, namely: That the epithelial cell and the migratory leucocyte are of the same essential character—are both microscopic masses of individualized bioplasm—are, in a word, biological homologues. In the meantime, the doctrine that every living creature begins in an epithelial cell—in a bud springing from an epithelial surface—is no longer open to question. And why should this be considered an incredible theory—an absurd and fanciful physiological dream? It has the support not only of observed facts, but of all the *à priori* presumptions of biological science. The bioplast is the biological unit, the fundamental element of organization. It is therefore the natural and inevitable starting point of every living organ and of every living organism. It is in the sub-kingdom Cœleuterata that permanent cavities first appear, and it is here, consequently, that internal segmentation is first manifested. The permanent cavity of cœleuterate animals is known as the gastro-vascular cavity. Let us understand clearly what is meant by this. In these animals but little progress has been made in the differentiation of organs and functions. They have no vessels for the circulation of the blood; indeed they have no blood to circulate; but they have a many-chambered branching cavity which serves at the same time for the ingestion and the digestion of food, and for the distribution of the nutritive fluid. This is the gastro-vascular cavity. It is lined, of course, with epithelium. Now, in the lower Cœleuterata the entire reproductive apparatus consists of a few spots on the surface of the

walls of this cavity. These spots are covered with a sort of epithelium, which is known as germ-epithelium, the cells of which, by simple growth, become developed into eggs. In the higher Cœleuterata the process of differentiation has taken another step in advance. The germinal spots sink down into the thickness of the walls of the cavity so as to form epithelial follicles or sacks. Within these follicles the eggs are developed as before, by the simple growth of the epithelial elements. When mature, they are discharged into the gastric cavity, and thence find their way into the external world.

“We have thus traced the process of reproductive gemmation, or segmentation, or ovulation, as far as is necessary for the purpose which we have in view. It is true that we have only reached the borders of the animal kingdom, the Cœleuterata being the first creatures in the ascending scale of development which are distinctly and unmistakably animals. But the type of ovarian development which they present—that of the epithelial follicle-gland—is substantially repeated through all the higher classes and orders up to man. There are variations almost innumerable, of special form and location, and of accessory and supplemental organs and appendages; but the type of the epithelial sack is never changed. Away up among the higher orders of Vertebrata, the open epithelial sack of Cœleuterata Annulosa, and Mollusca is replaced by a close sack. But as this is still lined with epithelium, and is occasionally opened for the discharge of eggs or germs, it is really only a modification and not a change of the type. In the human female the ovaries are developed in connection with the *corpora Wolfiana*. They are the homologues and the analogues of the testes of the male, which are also developed in connection with the *corpora Wolfiana*. In the beginning of their development they consist of a mass of fibrous stroma, which is well supplied with blood-vessels and covered with a layer of cylindrical epithelium and germ epithelium. As the development goes on, some of these epithelial cells are seen to be larger than others, and it is these which are to pass by metamor-

phosis into the future eggs. Very soon the processes of the fibrous stroma shoot up above the general level, while the epithelial membrane sinks down into the depressions between them. The processes continuing to grow, we have presently deep, open follicles lined with the germ-epithelium such as we have already seen in *Cœleuterata*. Each of these open sacks sinks continually deeper and deeper into the underlying stroma, while the uprising processes approximate more and more until at length they touch and adhere together, and the mouth of the sack is closed by their adhesion. This closed sack is the follicle of Von Graafe. Within it the development of the ovum and its envelop gradually proceeds to completion, all of its various parts being derived from epithelial elements. Inasmuch as we have found the typical ovarium fully developed in creatures like the *Cœleuterata* which stand at the very beginning of the animal hierarchy, we would expect in accordance with the principles of transcendental physiology to find this organ in the higher animals presenting itself at a very early period of foetal development. And such is really the case. While the foetus as yet exhibits no signs of human structure, but is still of the soft, larval and quasi cœleuterate type, the ovaries with the Graafian follicles and the ova are all to be found in a state virtually complete. The female infant comes into the world with her ovaries full of eggs—that is to say, full of the germs of future human creatures. Nature, usually so parsimonious, makes prodigal preparation for the continuance of the race. The number of the ova in the ovaries of a single human female is immense. It has been estimated at as high a rate as four hundred thousand. Of these myriads very few comparatively, perhaps not more than from three hundred to five hundred, ever escape from the follicles in which they were formed; and of those that do escape, very few are ever developed into living human beings.

“I shall not pause to describe the minute anatomy of the human ovum. The truly essential portion of it is the so-called germinal vesicle. This is a particle of living matter—a microscopic

bioplast, and therefore entirely analogous to the white blood-corpuscle. When mature, it contains a nucleus, and therefore is a bioplast which has reached a comparatively high state of development. As we have already seen, the testes of the male are both homologous and analogous with the ovaries of the female—that is to say, their structural relations are the same, and they are appropriated to the discharge of corresponding functions. The spermatozoon is both homologous and analogous with the ovum. It is a metamorphized cell—the product of the metamorphosis of an epithelial cell, or at any rate of a cell which under other circumstances would have assumed epithelial characters. It is called a seminal cell, and is nucleated like the germinal vesicle. The nucleus forms the head of the fully developed spermatozoon, while the rest of the bioplasm of the cell sprouts out to form the tail; so that the whole substance of the seminal cell is to be found in the spermatozoon. There has been a change of form, and with this the acquisition of new functions. The spermatozoon is, therefore, very closely related to the white blood-corpuscle. I cannot enter here into any adequate discussion of the transcendental mystery of sex; but it will not be amiss, perhaps, if I make two or three summary suggestions towards the reduction of the problem to its simplest terms. What is it that takes place in the act of sexual impregnation? Simply this: Two bioplasts endowed with different faculties, although closely allied in their physiological history, *are fused into one*. Everywhere the process of sexual conjugation, when stripped of the glamour of mystery and ceremonial which Nature for wise purposes loves to invest it, has this for its object—this fusion of two microscopic cells into one. I said, just now, sexual conjugation! But the conjugation and fusion of cells, as occasional stages of the drama of reproduction, occur very frequently in creatures in which no distinction of sex can be recognized. Take an example or two. In Desmids and Diatoms, which are unicellular aquatic plants, multiplication usually takes place by simple duplex subdivision. But occasionally a different

plan of reproduction is invoked. Two of these single-celled creatures come together so as to touch one another, it may be by accident, or it may be, as I believe it is, as the result of some mysterious and reciprocal organic attraction. The walls of the two cells first grow together at the point of contact; and then the partition thus formed is broken down, and the contents of the two cells become commingled into a single homogeneous mass of bioplasm. Around this there is soon formed a cellulose envelop, and we have a spore which serves as the starting-point of a new series of proliferating cells. In *Spirogyra*, a genus of fresh water algæ, we find another illustration of cell-conjugation of essentially the same character, but differing a little in some of the details. These plants consist of slender green filaments formed of single rows of cylindrical and elongated cells. Between the cells of two adjacent filaments a wonderful attraction is sometimes seen to manifest itself. In their eagerness to embrace one another the wall of a cell in one filament bulges out to meet a corresponding protrusion of the wall of a cell in another filament; the two protrusions come into contact; the intervening walls are absorbed; the whole of the bioplasmic contents of the two conjugating cells are gathered into one of them; and a spore is thus formed which in due time germinates into a new plant. Again: we have seen how several previously independent non-nucleated amœbæ may become associated together on a plasmodium, which in time may become encysted, and by segmentation give rise to new generations of amœbæ. Is this also an example of reproductive conjugation? Now, here among the lowly creatures which have furnished these examples of conjugation, there is neither male nor female. The conjugating cells are exactly alike. And yet we have here substantially the same physiological results as those that follow the sexual conjugation of the higher plants and animals. We have the mysterious fusion of two cells into one cell—of two bioplasts into one bioplast—to form the germ out of which a new creature is to be evolved. In other words, we have manifested here among

creatures in which no sexual differentiation has been established, that very same process of conjugal reproduction for which the agency of sex is ordinarily invoked as the only possible explanation. It is easy enough to say that this is practically the same thing as the assertion of the real existence of sex in creatures which exhibit no recognizable sexual characters. And I have no doubt that this is frequently the case. But I believe that in those first and simplest conjugations which occur in the very lowest ranks of organic life, there is no intervention of sex at all—either of sex actual or of sex potential; but that the conjugating cells are really, as they seem to be, of the same nature, or to speak paradoxically, of the same sex—that is to say, of no sex at all. On this presumption sex, like all the other faculties of living things, arises by imperceptible gradations out of a common basis of homogeneous bioplasm, in obedience to the general law of organic evolution, through the ordinary processes of growth, development and differentiation. The diversity which at length becomes so great is developed out of a unity which is well nigh absolute. Let us see, if we can, what it is that really takes place in that wonderful conjugation of bioplasts which is instrumental in reproduction. In the first place, it is evident that conjugation does not belong to the essence of the act of reproduction; and this is for the quite sufficient reason that we have found reproduction to take place abundantly without it. Clearly then, conjugation is not a primitive factor in the process of reproduction. It is only a secondary, an accessory, a supplemental factor. But what then is its special purpose? In what way does it reinforce and supplement the fundamental forces of reproduction? In order that we may find the answers to these questions, we must study the special circumstances under which its agency is invoked. We have seen already that reproduction in its simplest—in its most primitive, in its truly essential—forms is nothing more than an incident of growth. When growth is continuous, we have increase of size—part is added to part. But growth is sometimes discontinuous; the individuality of



the growing mass is destroyed, so that it falls asunder, part from part, and each part becomes a new individual and leads an independent life. Now this falling asunder of the growing mass—this curious phenomenon of discontinuous development—occurs during the larval condition of the creature that divides—that is to say, while the processes of growth are specially vigorous and active. But when the growing mass has reached maturity, and the activities of nutritive life are diminished or suspended, then also this sort of multiplication is diminished or suspended, and the act of reproduction can be accomplished only through the supplemental agency of conjugation. This supplemental agency of conjugation then restores the reproductive or proliferative energy which has been lost through the waning of the powers of growth—of development—of evolution. It always does this. But as we ascend the scale of organic life, it is found to do almost infinitely more than this. Its office is magnified more and more the higher we get—is indeed at length so immensely magnified and so variously differentiated that it is not strange that its original character should be overlooked. It restores to the senescent and languishing creature, or to some of its segments, its waning power of growth and development. Restores it, but how? The answer to this question even is not beyond all conjecture. The subsidence of the power of growth and development is concurrent with the establishment of equilibrium among the forces that minister to nutrition. All motion, of whatever character, depends upon some disturbance of equilibrium. In mechanics the complete equilibrium of all the mechanical forces is equivalent to complete rest. In physiology the complete equilibrium of all the vital forces is equivalent to death. Now, the fusion of two bioplasts into one in the act of conjugation breaks up in the most thorough manner the paralysis of equilibrium which is stealing over them both, and in the complex mass which results from this union sets all the wheels of life into active motion. One of the most curious questions connected with sexual generation is this: Which is physiologically the real parent

of the child, the father or the mother? There can be no hesitation as to the answer. Beyond all question the child is in a very special sense the offspring of the mother. Swedenborg tells us that the body and animal life of the human child are derived from the mother, but that the soul is furnished by the father. The doctrine of the natural generation of the soul has been condemned by the church; but there is a sense in which this conception of the Swedish seer becomes exceedingly suggestive. I cannot dwell upon it, however, now. Sometimes very frequently indeed, even among creatures that are truly sexual, the new individual has but one parent, and invariably this solitary parent is of the female sex. Hence, this sort of reproduction has been called Parthagenogenesis. In the common plant-louse—the aphid for example—when the weather is pleasant and food abundant a very rapid process of multiplication goes on without any assistance from the male insect. During this time indeed the offspring, as well as the parents, are all females. For generation after generation no males are to be found. But when the conditions of existence become stringent, when food is hard to get, and the weather is unpropitious and life really becomes a struggle, then the male animal makes his appearance and the aphid mothers are no longer virgins. We have seen how the ovum makes its appearance in the female foetus of the human race while the foetus itself is still within the womb of its mother. The same thing takes place in all the higher animals; perhaps, also, in all the lower animals. At any rate it has been observed in the organic reproduction of aphides which I have just described. The mother's body incloses the daughter's body imperfect and immature; and the daughter's body at the same time incloses the still more imperfect and immature body of the granddaughter; so that we have three generations mysteriously folded up together.

“It is necessary to add here, that while these rapidly multiplying aphides are females, they are not perfect females. The young broods are not developed in a true ovarium, nor from per-

fect ova; but the process seems to be one of internal gemination in the simplest sense of the word. We have, however, examples of parthenogenesis amongst Hymenoptera and Lepidoptera, in which perfect females, with all the generative organs normally developed, prove prolific without any conjugal intercourse with males. Dzierzon, a Catholic priest in Prussian Silesia, announced, in 1845, that the eggs from which the male bees or drones originate are produced and developed by the sole inherent power of the mother bee without the action of the male seed. In 1863, this doctrine of Dzierzon was fully confirmed by the microscopic investigations of Von Siebold and Leukhart. The queen bee, as is well known, receives the embraces of the male only during the hymeneal flight. If her wings are crippled, so that this flight cannot be taken, she lays eggs which produce only male bees. The workers again, with whom no nuptial rights are possible, sometimes lay eggs, and these always produce drones. It is a curious fact that in the agamic reproduction of Aphididæ the offspring is almost exclusively female; while in the agamic reproduction of Aphidæ the offspring consist entirely of males. A still more curious illustration of agamic reproduction is presented by the Psychidæ, a family of butterflies. Here the female is in every way perfect, and endowed with seed-vessel and with copulating pouch. But no copulation is accomplished, and no spermatozoa take part in the process of reproduction. The eggs also are perfect and with perfect micropyles, but they undergo development without any preliminary fertilization. Among these creatures indeed reproduction seems to be permanently agamic without even the occasional occurrence of gamogenesis. The search for the male insect has now been continued for many years, but no males have been found. In a word, these wonderful Psychidæ are all females, and all virgins with no fierce masculine mates to annoy them with conjugal importunities, and no tempests of sexual passion to disturb the serenity of their lives. Many other examples of agamogenesis, including also many examples of true parthenogenesis, might be mentioned

here. They are so numerous indeed that it would hardly be rash to assert that non-sexual reproduction is of quite as common occurrence in the animal kingdom as sexual reproduction; and that one-half of the living creatures that are born into the world are born without the instrumentality of male ancestors. But the examples which I have given are sufficient for my purpose—are sufficient, that is to say, to sustain my assertion, that in the process of reproduction sex is not a primitive and fundamental factor, but that it is in reality only a secondary and complementary factor. It is, indeed, in the reproduction of the higher animals, an indispensable factor; but it is not primitive and fundamental inasmuch as its agency is not invoked at the beginning of the development of the new creature. Contrariwise, the development of the new creature amongst the higher animals is always commenced by the mother alone; is always commenced during the mother's foetal and larval life; and is always in the beginning a process of gemination or segmentation—an outgrowth of a portion of the mother's own body. When the development has reached a certain stage of progression—a stage as high and as complex as can be attained by the unaided action of the maternal forces—and when, without some additional energy, the development would be arrested and the effort to produce a new creature prove abortive, then it is that the mysterious agency of sex is invoked, and that the masculine energy becomes a factor of the advancing development. New conditions, both static and dynamic, are incorporated into the developing ovum, a more active evolution is established, and a higher development becomes possible of accomplishment. Let us return now to the fertilized human ovum, and mark the stages of evolution through which it passes, until it stands before us a fully developed human creature. The transition is surely astounding—from a microscopic speck of homogeneous bioplasm to a man fearfully and wonderfully made. The most daring imagination might very well be staggered in the effort to grasp the tremendous conception. And yet the agencies at work are of the simplest

possible character. They are these four: 1. The enlargement of cells. 2. The segmentation of cells. 3. The arrangement of cells. 4. The differentiation of cells. In their last analysis enlargement, segmentation, and differentiation are resolved into modifications of growth; so that the fundamental processes of organization might be reduced to two, namely, the growth of cells, and their arrangement. If we had commenced with the unfertilized ovum, the first stage would have been that of the conjugation of cells. But this has been sufficiently considered already. We found that the germinal vesicle is a nucleated bioplast, and that the spermatozoon is also a nucleated bioplast. But the fertilized ovum which is the product of their conjugation is destitute of a nucleus—is homogeneous and structureless. It finds its way into the uterine cavity, and attaches itself to the membrana decidua, by which it becomes invested just as did the original germ-cell in the ovarian stroma. But of these investments we have nothing to say. Our business is with the developing ovum. The first metamorphosis which this exhibits is the metamorphosis of growth, enlargement, continuous development—the metamorphosis of addition. The second metamorphosis which it exhibits is the metamorphosis of segmentation, of discontinuous development—the metamorphosis of division. The single mass of bioplasm of the fecundated ovum is separated into many masses of bioplasm. But still for a time there is no differentiation among them. As far as we are able to judge, the segments, or segmentation spheres as they are called, are all exactly alike. They are all composed of unmixed bioplasm, of germinal matter, and as yet there is no formed material—no signs of structure to be seen. Let it be understood without further mention that the two metamorphic processes already described, the process of growth and the process of segmentation, continue indefinitely, and we will turn our attention to the next stage of the evolution. This next stage, the third, is a process of simple arrangement. It is a metamorphic of the whole mass of the ovum, not of its separate segments.

The segmentation spheres march like soldiers to their appropriate places, and arrange themselves into three ranks—the three germinal plates or blastodermic layers of the embryo. The first of these layers, the external layer, is called by Remak the sensational layer; the second or middle layer, the motorial layer; the third or internal layer, the intestinal or glandular layer. The process of arrangement does not stop with the formation of these primitive blastodermic layers; but other arrangements arise successively within the layers, secondary, tertiary, etc.—arrangements of continually increasing specialty and complexity, and out of these are developed the various tissues and organs of the completed organism. How these arrangements are accomplished—whether as the result of spontaneous impulse and the faculty of amoeboid motion on the part of the bioplasts concerned; whether under the influence of external incident forces; or whether through the concurrent action of both of these classes of causes—we will not stop to inquire. The indications of the antecedent causes are vague and shadowy; but the fact itself, of arrangement, is clear and demonstrable. This brings us to the fourth and last of the metamorphic processes which are concerned in the development of the fetus, namely, the metamorphosis of differentiation. The arrangement of the bioplasts into rudimentary organs is already, in a certain sense, a process of differentiation; it is differentiation of the mass of the developing ovum. But the differentiation now to be discussed is the differentiation of the separate and individual bioplasts constituting that mass. Biological analysis shows that the organism is composed of organs, these organs of tissues, and these tissues of histological elements. Now it is to be specially noted here that every separate histological element, every muscle-fibre, every nerve-fibre, every epithelial cell, every constituent structural element of bone, cartilage, of connective tissue, and of all the tissues, is the product of the differential metamorphosis of a separate and individual bioplast. And inasmuch as in a fully developed human organism there are many millions of structural

anatomical elements, so for the formation of these many millions of living bioplasts must have suffered metamorphosis and differentiation.

"The natural history of every histological element involves these three problems: 1. The derivation of the germinal bioplast out of which it is developed. 2. The character of the transformation to which it is subjected. 3. The cause of the special transformation which is in each case accomplished.

"In the earlier stages of foetal development, the germinal bioplasts which pass by differential metamorphosis into the elements of tissues are the segmentation-spheres of the ovum. In the later stages of foetal development, and during all the varying periods of life subsequent to birth, the original store of segmentation-spheres having been exhausted, the germinal bioplasts must be derived from some other source. But from what other source *can* they be derived? There is but one possible answer. They are derived from the blood in the shape of white blood-corpuscles. I have already indicated, again and again, that the segmentation-spheres and the white blood-corpuscles are of the same nature—are homologues and analogues of one another. But is there any genetic connection between them? Most assuredly there is. The white blood-corpuscles are the lineal descendants of the original undifferentiated segments of the ovum, the inheritors of their features, their faculties and their functions. The process of segmentation, commenced in the microscopic ovum, continues through the entire period of foetal evolution; continues also through all the stages of infant and adult life; never ceases, indeed, until the organism which it has built up ceases to live. Nature never abandons a process which she has once adopted. She may, indeed, under the influence of changing circumstances, modify it in many ingenious ways, and even to such an extent that its identity is difficult of recognition. She may also supplement it with secondary and auxiliary processes; and these in the progress of development may gradually increase in importance until the original process is overshadowed by them. Neverthe-

less, it is true that nature never changes her mind, and never repudiates anything that she has once indorsed. While, then, it may be true that white blood-corpuscles arise by other methods than by segmentation of pre-existing bioplasts, as has been suggested in the section of this paper which treats of the origin of leucocytes, it is still not to be doubted that many of them may claim hereditary descent through perhaps a thousand intervening generations from the aboriginal unique cell of the impregnated ovum."

Dr. Cochran is a member of the American Medical Association, and of the American Public Health Association; and holds the following positions in Alabama: Senior Counsellor and Senior Censor of the State Medical Association of Alabama; President of the Committee of Public Health; President of the State Board of Medical Examiners; Health Officer of the State of Alabama; County Physician for Mobile County.

This biographical sketch, as far as it goes, is authentic and authoritative. The dates and facts have been verified by Dr. Cochran himself. It has been prepared chiefly by a distinguished lawyer of Mobile; but the section entitled "Characteristics" was contributed by an eminent physician of Montgomery.

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#### CAPTAIN JOHN A. ELMORE.\*

ALABAMA.

“I HAVE often thought,” says Dr. Johnson, “that there has rarely passed a life of which a judicious and faithful narrative would not be useful.” If it be true that the biographies of common men would be instructive, surely, even an imperfect account of the life and career of John Archer Elmore will not be devoid of interest and utility.

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\* For the facts of this sketch we are largely indebted to the speeches of Captain Walter L. Bragg, Major Henry C. Semple, and Colonel John W. A. Sanford, delivered before the Supreme Court of Alabama.



very truly yrs

L. A. Elmore



The lives of eminent statesmen and lawyers are not ordinarily eventful. They are occupied with principles, policies and opinions. Their actions are never of a nature easily perceived, readily comprehended and rapturously applauded by the multitude. Their career is more celebrated for the admirable mental and moral qualities they display in the mastery of great principles, and their application of them to the affairs and interests of men, than for daring deeds or military leadership. Consequently the bare and truthful enumeration of their endowments not unfrequently seems to be fulsome eulogy.

The life of Captain Elmore illustrates this remark.

He was born in Laurens District, S. C., on the first day of April, 1809. His father, General John A. Elmore, a native of Prince Edward county, Va., was a soldier in the Continental army; and after the ratification of peace between Great Britain and the United States he removed to South Carolina. There, having lost his first wife, he married Miss Nancy Martin, a member of a family greatly distinguished in the Revolutionary war; she was a sister of Hon. William D. Martin, member of Congress from South Carolina, and for many years a Judge of the District Courts of that State, and of Hon. Abram Martin, of Alabama.

In 1819 General Elmore migrated to Alabama, and settled in that part of Autauga now embraced in Elmore county. There, at the homestead on Mortar creek, still held by his descendants, he reared a large family, all of whom have been honorably connected with the history of the country. Hon. Franklin H. Elmore, United States Senator from South Carolina, who succeeded the lamented Calhoun, and Mr. Benjamin T. Elmore, of South Carolina, were children of the first marriage. The children of the second marriage who still survive are: Mrs. Dixon H. Lewis, and Judge Henry Elmore, of Texas; William A. Elmore, of Louisiana, late Attorney-General of that State; Mrs. James E. Scott, of Texas; Mrs. Hearne, wife of Dr. J. T. Hearne, of Lowndes county;

and Albert S. Elmore, who resides near the old homestead. General Rush Elmore died in Kansas, to which Territory he removed on his appointment by Mr. Pierce as Territorial Judge. The first wife of Governor Benjamin Fitzpatrick, another of his children, died many years ago.

In 1820 the subject of this sketch was sent back to South Carolina for the purpose of being educated, and in 1829 he graduated with distinction at the South Carolina College, then under the presidency of the learned and famous Dr. Thomas Cooper. The benefit he derived from the tuition of this remarkable man was often perceived in subsequent years in the extent and thoroughness of his classical learning; in his singularly perspicuous style; and in his almost unequalled powers of reasoning. During his school-days in Laurens District, his imagination was inflamed by the fireside tales of our Revolution, related not only by the heroes of that memorable struggle, but also by the ladies of his family and others who delighted to recount the hardships they had themselves endured as well as the daring deeds and wise counsels by which the liberty they enjoyed had been won and secured. No Carolinian has forgotten the notable exploit of his ancestress, Mrs. Abram Martin, by which she obtained important information and conveyed it to General Greene; or her defiant reply, when taunted with having seven sons in the Continental army, in which she regretted that she did not have fifty; or, when she was told, in glee-some mood by an inhuman British officer, that he had just seen the head of her son, William, shattered by a cannon-ball, simply said, without a sign of the agony she felt, "He could not have died in a nobler cause:" an answer only equalled, if it be equalled at all, by that of the Spartan mother, who being told of the death of her son, asked if he died with his face to the enemy.

Surrounded by such influences, in his youth was laid the foundation of the broad charity, the ardent patriotism, the knowledge and love of free institutions which adorned and distinguished his whole life.

He studied law, more as an accomplishment than with the intention of pursuing it as a profession; and, marrying his cousin, Miss Laura Martin, daughter of the Hon. W. D. Martin, member of Congress from South Carolina, and afterwards Circuit Judge in that State, he removed, in 1834, to Lowndes county, Ala., and devoted himself to agriculture. The disasters which overwhelmed so many of the planters who emigrated from South Carolina about that time visited him also, and he was entirely ruined. Having lost his fortune (an experience which Lord Eldon said is necessary to success at the bar) he began the practice of his profession. In 1840 he was elected bank attorney of the State bank, and then removed to Montgomery. At that time he was in the full vigor of young manhood, familiar with all polite learning, well versed in the elementary principles of the law, but was entirely inexperienced in the practice; but notwithstanding this fact, he was brought at once into collision with the able bar at Montgomery. Among his competitors were the Hon. George Goldthwaite, afterwards a Judge of the Supreme Court and United States Senator; Chief-Justice E. S. Dargan, Nat. Harris, Hon. James E. Belser, Thomas S. Mays, I. W. Hayne, F. Bugbee, Hon. Henry W. Hilliard, General E. Y. Fair, and many other gifted and learned lawyers.

The improper management of the affairs of the bank, combined with the general distress of the country, had caused the suspension of an immense amount of its paper; and the dockets of the courts were encumbered with cases in which the bank was interested. At one term, there were as many as fifteen hundred. These were under the sole charge of Captain Elmore. The preparation of them for trial required stupendous labor, and sunrise often found him industriously engaged in the study and preparation of his arguments.

Such was the structure of his mind that it was perfectly adapted to his profession. His perceptive faculties were as quick and as unerring as those of a wild animal; while his logic was as complete as if he were of reason all compact.

This power enabled him to deduce correct conclusions from principles, and skilfully to draw vital principles from books. Like Chief-Justice Marshall, he was more remarkable for his knowledge of the fundamentals of the law, and his ability to profit by them, than for his familiarity with decided cases. He saw everything in the dry light of intellect. This conduced to uncommon accuracy. He never depended solely on his memory, or took anything for granted, or gave an opinion, or made an argument upon an impression. He examined all subjects with painstaking care. When he read a statute or judicial decision, he saw not only the words but perceived every letter and duly weighed every term. This peculiarity marked him in literature as well as in his profession. He never, even in sudden debate, offended the most critical taste by a false quantity; and an incorrect quotation from the Latin classics seldom escaped his detection. In the practice of law he rarely overlooked the smallest details of a case; while in the discussion of questions of constitutional law he was the peer of any jurist in our country. As an equity lawyer his powers were wonderful.

Persons who observed his thorough knowledge of the principles and rules of practice in the Court of Chancery, and his readiness in the discussion of all questions arising from pleading and evidence, supposed that the power was a natural gift and not the result of labor. But it was by close and persistent study in his youth he obtained this excellence, and became the leader of the bar of the State, a position he held by the universal judgment of the fraternity.

He was a wise counsellor, and the qualities which rendered him eminent in this regard, apart from his strong intellect, full and varied learning, industry and conscientious sense of duty, were the singular prudence and charity which seemed to control all his thoughts and conduct. A stainless integrity was observable not only in the transactions of business, but in all the relations of life, and in all the operations of his intellect. His arguments at the bar were subject to its authority. If the cause he advocated received the unqualified approbation of



his moral sense, his logic was absolutely unanswerable; if it did not have such approval, it never elicited his whole power. Sir Matthew Hale, at one time, resolved never to be engaged in a case which his conscience did not justify, but afterwards abandoned the resolution. What with him was a matter of deliberation and judgment was with Captain Elmore a matter of nature. No bad cause ever brought all his forces into action. This trait was the foundation of the confidence which all people reposed in him. They trusted him implicitly in all affairs of delicacy and importance. Possessing strong feelings, he recognized the ties of kinship, and the obligations arising from long and intimate intercourse with his fellows; but such sentiments could not partialize the unstooping firmness of his upright soul—consequently, his judgment in all matters submitted to him was received without reluctance. Inspired by this quality, uniformity of conduct was a marked characteristic. Prosperity never elated him, because it did not add to his merits; and adversity did not overwhelm him, because it could not take away his character.

In the attributes of a noble manhood, in courage, in devotion to truth, in love of justice, in patriotism, he was not excelled by any of his contemporaries.

He was averse to public employment. He considered an officer as the servant of the State, of fame, and of the business pertaining to his office; and, therefore, to preserve his freedom, he declined posts of honor. Few, by capacity to perceive and comprehend principles, to deal with facts and control circumstances, were better qualified to discharge the duties of high station. He even refused to become a Judge of the Supreme Court of Alabama, when that great office was formally tendered to him. It is true that, during the Creek war, he became Captain of a volunteer company; and in 1837 was elected Senator from Lowndes county in the General Assembly. He consented to serve the State as Commissioner to South Carolina in 1861, when the measures for the Confederation of the Southern States were concerted; and

performed his mission with distinction and to the great satisfaction of the State. After the war he was sent as a Delegate to the Constitutional Convention of 1865. In that body his services were invaluable. He contributed largely to the formation of a constitution which was not inferior to that of any State of the Union. His speech against the submission of the question of the emancipation of the negroes to a decision of the Federal Supreme Court was masterful. It was short, and grave, and sententious, and comprehensive; and resembles the speeches which adorn the pages of Thucydides. It showed the quality of his statesmanship, and that, had he desired, he could have been as conspicuous by the favor of the people, as he was great by the partiality of nature.

Nature he loved in all her forms and moods—

“The warbling woodland, the resounding shore,  
The pomp of groves, the garniture of fields,  
All the genial ray of morning gilds,  
And all that echoes to the song of even—”

had charms for him. He was fond of field sports, and knew the haunts and habits of all “beasts of venery and birds of game.” The old men of Lowndes delight, even now, to recall the pleasures of the chase which they enjoyed with him in his youth, and seem to wonder that the skilful woodsman should have ever become the profound lawyer and wise statesman. They did not know that the winds blew and the waters rolled to him knowledge and power.

Commencing practice with Hon. J. F. L. Cottrell as his partner, Captain Elmore subsequently became associated with Isaac W. Hayne for some years until that gentleman's return to South Carolina, where, in 1847, he was made Attorney-General of the State. After this, William L. Yancey, retiring from Congress, removed to Montgomery, and was his partner in the practice until about the year 1860. Chancellor Keyes, Mr. E. P. Morissette, William A. Gunter, Harris T. Gunter, and his son, V. M. Elmore, were associated with him in the practice at different times, and the firm was Elmore & Gunter at the date of his death.

He was most happy in his domestic relations; a lovely and devoted wife cheered all his labors, and by her fond sympathy sweetened all his toils. She died some twelve months before him, and though, until stricken by the fatal disease which carried him off, he performed all his duties with his accustomed diligence, he seemed never to have recovered from the blow. His paternal care for his children was repaid by their affectionate reverence.

His stature was grand in its proportions, his features clear-cut and classical. Intellectual strength, noble courage, gentle charity, playful humor, and stern integrity beamed from his countenance.

This gifted and notable man, after a lingering illness, died on the first day of August, 1878, universally lamented by the people of Alabama.

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#### PROFESSOR T. G. RICHARDSON.

LOUISIANA.



**O**BIAS GIBSON RICHARDSON was born January 3d, 1827, at Lexington, Ky., and is the son of William Richardson, for many years before his death Cashier of the Northern Bank of Kentucky, Louisville. His mother was Synia Higgins, whose father was a cotemporary and personal friend of Daniel Boone. In 1837 he removed with his parents to Louisville, Ky.; and in 1845 matriculated in the Medical Department of the University of Louisville. In the same year he entered the office of Professor S. D. Gross, M. D., as a private pupil, having as companion Dr. Nathan Bozeman, now of New York, who was also his classmate at the Louisville University. In 1847 he was appointed resident student of the Louisville Marine Hospital, but continued his daily attendance at Professor Gross' office, and submitted to examinations in pathological anatomy and surgery. He was graduated in the Medical Department of the University of Louisville in the spring of 1848, and immediately afterwards was appointed by the faculty Demonstrator of Anatomy, which

position he filled for eight years. During all this period he continued in almost daily attendance upon the office of Professor Gross, and upon terms of the most confidential friendship with that distinguished surgeon, who infused into him his enthusiastic love of the science of medicine and surgery, and aided and encouraged him in his studies. During a large portion of this period he was engaged in anatomical investigations, and in 1853 published a large volume entitled "Elements of Human Anatomy," besides occasional contributions on surgical diseases to the *Western Journal of Medicine*. This medical periodical being suspended in 1855, he founded the *Louisville Review*, in connection with Professor Gross. Resigning the position of Demonstrator of Anatomy at Louisville in 1856, he was at once offered the chair of Anatomy in the New York Medical College; of Surgery, in the Kentucky School of Medicine, and of Anatomy in the Medical Department of the Pennsylvania College, at Philadelphia. He decided to accept the last, and removed to Philadelphia in the fall of 1856. While there he established, in conjunction with Professor Gross, who had accepted the chair of Surgery in the Jefferson Medical College, the *North American Medico-Chirurgical Review*, and continued to act as junior editor until its suspension, in 1862, although he had in the meantime removed to another field of duty. While at the Pennsylvania Medical College he was associated with Professors Alfred Stillé, Francis Gurney Smith, and other gentlemen well known to the profession throughout the United States as teachers and authors. In 1858 he was invited to the chair of Anatomy in the Medical Department of the University of Louisiana to succeed Professor Josiah Nott, M. D., and removed to New Orleans in the latter part of that year. This school was at that time one of the largest in the country, and with such distinguished professors as the late Warren Stone, M. D., Thomas Hunt, M. D., and others of like distinction, attracted annually more than four hundred students. He was at the same time appointed one of the attending surgeons to the Charity Hospital; and

lectured upon clinical surgery in addition to his didactic lectures upon anatomy in the Medical College. He was the first to perform successfully the operation for vesico-vaginal fistula, after the method of Dr. Nathan Bozeman, which had then but recently been introduced to the profession. He soon became engaged in a large surgical practice, which was only interrupted by the outbreak of the civil war. Leaving New Orleans before its capture by the Federal forces, in 1862, he joined the Confederate army of Tennessee, of which he was made practically, although not nominally, Assistant Medical Director; and subsequently Medical Inspector on the staff of Major-General Braxton Bragg. He was present on the field at the battles of Murfreesboro, Chickamauga, and Missionary Ridge, in the second of which it became his melancholy duty to amputate the thigh of the gallant Major-General Hood. He accompanied General Bragg, after the retirement of that distinguished officer from the Army of the Tennessee to Richmond, where he continued his duties as Medical Inspector during the summer of 1864, and by request of the surgeon in charge, Dr. Hancock, and the attending surgeons, Drs. Cabell, Hoyt, Tom and Wellford, performed a large part of the capital operations at that immense hospital after the battles of Rapidan, Spottsylvania Court-House and Cold Harbor. He subsequently accompanied General Bragg to North Carolina, as Medical Director of that department, and was present on the field at the battle of Averysboro and also that of Bentonville, where a mere handful of Confederates under General J. E. Johnston made their last unsuccessful fight for independence. Still adhering to the fortunes of his friend and chief, General Bragg, he joined the retreating column of government officials, with President Davis at its head, and continued with them until the formal dissolution of the Confederate Cabinet, at Washington, Ga., and the dispersion of its members. He returned to New Orleans in the succeeding fall and resumed his position in the University of Louisiana, and was immediately chosen Dean of the Medical Faculty.

In 1873, upon the resignation of Professor Warren Stone from the chair of Surgery, he became his successor, which position he still occupies. In 1877 he was elected President of the American Medical Association at its annual meeting in Chicago, and presided at the subsequent meeting in Buffalo, N. Y. His inaugural address on this occasion was devoted mainly to State Medicine, and contained a number of valuable suggestions as to the best methods of promoting the development of this, the most important department of medical science and art. He says:

“It is a trite theory that knowledge penetrates society from above; that, starting from the limited mountain-top occupied by the educated few, it slowly percolates through the subjacent strata, and, after a while perhaps, in a greatly diluted state, it reaches the minds of the many who form the lowest stratum. I admit the truth of the illustration in so far as it expresses the direction which knowledge takes, but I deny the inference that the latter descends by its own weight; that those who possess it have only to open their mouths, and their words shall, by their specific gravity, filter through all intervening grades, and refresh the thirsty souls of those who are at the bottom. This is certainly a very comfortable doctrine for those who live nearest the heavens; but, unfortunately, it is not true. Knowledge ‘abides alone,’ unless it be forced into ranks below, and it is the bounden duty of those who possess it to make provision for its diffusion. ‘No man liveth to himself alone,’ and the Author of all truth has pronounced dire maledictions against those who hold the key of knowledge and refuse to open the door to those who are without. Sanitary science is no exception to the rule. It must be taught in the family, in the infant school, in the academy; taught in the workshop, in the factory, in the church; taught in the university, in the forum, in the legislative halls; taught in the city, taught in the country, taught everywhere. We have our Bowditches and Shattucks and Bakers and Cabells, and others of like wisdom and zeal, to direct the great work, but we need missionaries and *colporteurs* who will go into the

streets and byways and proclaim the truths of the new way, persuading all who will listen, that health and long life are possible to multitudes of those who now sicken and die before they attain the age of maturity. And whence are these teachers to come? I answer that, for the present at least, they are to be furnished chiefly by the medical profession. Indeed, every physician should be a worshipper at the shrine of rosy-cheeked Hygeia, the daughter of his old god Esculapius, and should exert his utmost influence to spread abroad the knowledge of the elementary truths which underlie the whole system of sanitation. By doing so we will prepare the way for the enactment and execution of sanitary laws. Hand in hand with the physician should be seen the minister of the Christian religion, who, like the former, is brought by his calling into closest relations with all grades of society, and thus far is equally fitted to become a messenger of health, not only to those who belong to his pastoral charge, but to all who come within the circle of his personal influence. I do not know what the theological seminaries are doing with this question; but I do know that the oldest system of public hygiene of which we have any record was formulated and enforced by Moses, the divinely appointed head of the church under the old dispensation, and the type of Him who, sixteen hundred years afterwards, assumed in person the leadership for all time to come. If that great religious teacher in those far away times considered it his duty to protect the members of his flock from preventable diseases by enacting wise sanitary regulations, it seems to me that his successors, although not possessed of his extraordinary authority, might at least preach the doctrine and endeavor to practise it. If consulted by them, I should therefore certainly advise that as a preparation for engaging in the duties of the pastor the theological student should pursue a course of study in sanitary science as a means of doing much good in a moral as well as in a material sense.

"I suggest that a special committee of leading sanitarians be appointed to prepare a some-

what elaborate address to the profession and the public, setting forth the transcendent importance of the subject, presenting a summary of sanitary science, pointing out the best methods of studying and teaching the same, and demonstrating the great benefits to be derived therefrom by the individual and the community in general. Without attempting to portray the special features that should appear in such an address, I take the liberty of saying that it should not omit to insist upon the great necessity of teaching the young not only the laws of health, but the elements of physiology which are essential to a proper comprehension of the principles of hygiene. In my opinion such instruction cannot be commenced too early in life, and should progress *pari passu* with that in geography, grammar, and history, so that a boy or girl ten years old should feel as much disgraced by ignorance of the principal organs of the body and their functions as by ignorance of the differences between an island and a lake, or a mountain and a valley. I am not unaware of the serious difficulties to be encountered in the attempt to introduce these studies into schools for the young, of the objections arising from want of competent instructors, and of the strong repugnance which many parents feel at the bare thought of instilling such knowledge into the minds of their children. The last was brought home to me most forcibly not long ago, when a gentleman of average common-sense and good position in society, withdrew his daughter, a girl of twelve or fourteen years of age, from a first-class school with which I am acquainted, because a human skeleton was brought into the class-room by a well-known professor of physiology, who had kindly volunteered to teach the pupils a few facts in regard to respiration and circulation. But I am sure that by the publication of facts, and by patience and perseverance on the part of medical men, all this sort of opposition will be overcome, and that before another generation shall grow up into manhood and womanhood no school or seminary will be considered complete in its appointments without a special teacher of sanitary science."

On April 10th, 1879, a complimentary dinner was given in Philadelphia to Professor S. D. Gross by his medical friends, in commemoration of his fifty-first year in the profession of medicine, and in response to an invitation to attend this memorable event in the medical annals of this country, Professor Richardson addressed the following letter to the committee of arrangements:

"NEW ORLEANS, *April 2d*, 1879.

"TO D. H. AGNEW, THOMAS G. MORTON, R. J. LEVIS, and J. EWING MEARS, Secretary.

"GENTLEMEN OF THE COMMITTEE: Permit me to thank you sincerely for your polite invitation to attend a complimentary dinner, to be given on the 10th inst., to Professor S. D. Gross, commemorative of his fifty-first professional birth-day, and at the same time to express my great regret that I shall be unable to take advantage of your distinguished courtesy. The occasion is one which draws upon the strongest sentiment of my nature, and in contemplating this evidence of the love and veneration with which my noble old master is regarded by those with whom he has been associated for the past twenty-three years, I envy you the privilege of sitting down with him as your guest. Thirty-four years ago I entered his office as a private pupil, and enjoyed his society almost daily for a period of more than twelve years, during which time, and ever since, my esteem for him as a man in whom there is no guile, my admiration for him as a true physician, and my love for him as a personal friend have continuously grown and strengthened with increasing years. It is not needful that I should speak to you of his many virtues—of the purity of his life; of his sacred regard for the marital relation; of his tender devotion to his family; of his ready sympathy with the distressed; of his delicate consideration for his juniors; of his unremitting interest in every scheme for the advancement of medical science, the prevention of disease, and the care of the infirm; of the vast benefit which he has conferred upon the profession by his example no less than by his precepts; of his unceasing labors; of his courteous demeanor towards

all; of the delightful cheerfulness of his temperament, of the light which he ever carries into the darkened chambers of the sick; or of the innumerable other beautiful traits of character and admirable qualities of mind which combine to make him what he is, a friend of the young, a teacher of teachers, a model physician, an illustrious citizen, a benefactor of his race. These are all as familiar to you as to me, but at the mention of his name they crowd so thickly upon my attention that I cannot wholly repress their expression. In consideration of the fact that my early professional life was immediately fashioned by his fatherly hand; that his example has ever been to me a pillar of cloud by day, and a pillar of fire by night; and that his personal confidence is treasured in my heart as a jewel of priceless worth, I beg, that when you take your seats at table, you will allow me, by your hands, to place upon his breast the accompanying simple badge, as a token of remembrance from his devoted pupil, who, on this occasion, can only in spirit partake of his joy.

"With renewed thanks for the honor you have conferred upon me, I am, very truly, your servant,  
"T. G. RICHARDSON."

For several years past Professor Richardson has spent the three months of mid-summer in travelling, and has thus traversed a good deal of ground seldom trodden by tourists. He has crossed the Atlantic several times, taking a different route upon each occasion, and has in this way made himself familiar with almost every country in Europe, including Russia and Turkey. He has spent two summers in Mexico, ranging over the country from Oaxaca to Cuernavaca, and on one occasion ascended the snow-capped volcano of Popocatepetl. He has visited the Sandwich Islands, scaled the Peruvian Andes upon the famous Aroyo Railroad, ascended the Amazon river, and visited all the accessible localities in the neighborhood of Rio de Janeiro. Nor has he neglected his own country, having penetrated it in every direction from the Adirondacks and White Mountains in the East, to the Yosemite Valley in the West.

In all these wanderings he was accompanied by his wife, who was one of the three ladies who were the first of their sex to look into the crater of Popocatepetl, at an elevation of eighteen thousand feet above the level of the sea. The following graphic description of the ascent to the summit is extracted from a letter to his brother in Louisville:

“The night was cloudless; the moon, about two-thirds full, shone with an effulgent splendor; and the highly rarefied atmosphere gave a distinctness to distant objects which was truly startling in its first effect. All around lay the dark pine-forest, the nearer trees standing out in the bright light like spectre sentinels about the little hut. Away down in the valley villages and cultivated fields were sleeping quietly under the shadows of the distant mountains. Beside the quiet valley, and beyond the dim outline of the forest, towered the great volcano. Its broad, black base was lost in the dark shadows below, but its magnificent dome of pure white snow, flooded with the softly brilliant light of the moon, projected itself in bold relief against the background of the sky. From its summit a faint column of smoke, curling calmly into the depths above, bore testimony to hidden fires glowing with warmth beneath the cold crust of ice by which they are protected from the winds and storms of the universe without. By one o'clock A. M., we were all in the saddle, and, following the guides in single file beneath the solemn shadows of the forest, across the deep barranca, and up the long, dreary slope of heavy black sand which extends quite up to the snow-line, we arrived at the latter point, much to the relief of the poor panting horses, at half-past three A. M. Here we dismounted, and discarding overcoats, blankets, and waterproofs, grasped our strong Alpine stocks and began the toilsome ascent. For a little way the crust of the snow was scarcely firm enough to bear our weight, and we frequently sank to our knees; but higher up it was like ice, and, in order to obtain a foothold, the foremost guide cut with a spade, fashioned for the purpose, deep notches in the snow, both for himself and those who followed

after. As the inclination up which we were travelling is not less than forty-five degrees, and in some places more, it was, of course, impossible to pursue a straight ascending line, but, on the contrary, a zigzag course was absolutely necessary, and for the same reason it was equally important to place our feet accurately in the steps made for their reception, and steady our bodies by leaning upon our stocks, carefully driven into the snow at each successive movement. If perchance a mis-step were made, and the foothold lost, a slide or a roll to the sand below the snow-line would be inevitable. In case of such an accident, the preservation of the life of the individual, supposing that he had attained a considerable elevation, would depend entirely upon whether he should happen to slide down feet foremost. If, on the contrary, he should fall crosswise, as is more probable, and go rolling down with an ever-increasing speed, life would have become extinct long before his bruised and broken body could possibly strike the sand. A few laborers who work in the crater have been lost in this way, but up to the present time no visitor has met with such a fall. The latter fact may be partly explained, however, by reference to the exceedingly small number of tourists who make any serious attempts to reach the crater. The great majority of visitors content themselves with a ride to the snow-line, where the sight of the vast slippery steep, apparently inaccessible to human feet, wisely deters them from making the attempt. Our party, consisting of individuals of various ages, sizes, and activities, did not, of course, make equal progress, the heavier and the older necessarily requiring more time. Mrs. Richardson and your humble servant coming under the latter category, had the honor of bringing up the rear. Our faithful guide, Evaristo, bore patiently with our slow movements and frequent stops, and did all in his power to encourage us. He could not otherwise assist us, for as there was but one line of steps, and nothing with which to steady the body or take hold of with the hands save the stock, every one was obliged to depend upon

his own powers. However, in order to guard Mrs. Richardson against rolling down the mountain, in case she should lose her footing, he very considerably passed a rope around her waist, and securing the other end across his shoulders, 'played horse' all the way. Fortunately no such accident occurred, but doubtless the presence of the rope gave greater confidence to the fair driver than she would otherwise have had. The foremost of the party reached the summit, nearly eighteen thousand feet above the level of the sea, about half-past seven o'clock, followed very soon by all the others except the last two, who were an hour and a half later. Finally, however, we all stood within the edge of the crater, and for the first time the secrets of this vast chasm were revealed to the eyes of the fairer if not the feebler sex.

"But before describing what we saw within this comparatively limited space, let me direct your attention for a moment to the vast but indescribable view which stretched out from the base of the mountain immediately below us to the farthest limit of our vision, greatly increased as this was by the rarity and almost preternatural clearness of the atmosphere through which we looked. Truly, 'all the kingdoms of the world' seemed to lie beneath us, and as the eye ranged over the immense scene, great mountains seemed to have contracted into mere knolls, extensive valleys into narrow vales, large towns into mere spots, and the city of Mexico itself, with its two hundred and twenty-five thousand people, appeared like a toy village built of small, wooden blocks, and its broad lakes like mill-ponds overshadowed by the adjacent hills. To this general statement an exception must be made in favor of Orizaba, the only rival of Popocatepetl in North America. Although nearly fifty miles distant, the majestic mountain lost but little in comparison with surrounding objects, but, on the contrary, presented a boldness of form and grace of outline which commanded our highest admiration. As for Iztaccihuatl, or 'The Woman in White,' her very close proximity saved her from much apparent diminution, but, nevertheless, being nearly two thousand feet below us, her

snowy top presented no obstruction to our vision. The Nevada de Toluca, the smallest of the four snow-capped mountains of Mexico, situated far away to the west, was distinctly visible, and formed a striking object among the lesser and darker cones by which it was surrounded. But what shall I say of the splendid display of clouds floating far below us, covering, as it were, with a sea of frozen foam all the adjacent valleys, and concealing entirely from view the darker features of the base of the mountain as seen from the level of the Rancho? No delineator of the scenery of the clouds, whether he wield the pencil of a Claude or the pen of a Ruskin, can convey to the mind of him who has not observed with his own eyes the strangely beautiful picture here spread out beneath us. With my poor powers of description I dare not, therefore, attempt to give you the faintest conception of the scene, but, adopting with becoming reverence the words addressed to the mystic seer of the New Testament, when in a vision he had passed the portals of the heavenly world, and, dazzled by its awful splendors, stood bewildered upon the borders of a crystal sea, I can only say, 'Come and see.'

"The lip of the crater over which we now descended, about a hundred feet to the ledge of rock upon which the windlass is fixed, is oval in shape, irregularly oblique in its direction, and a little less than three miles in circumference. The bottom was covered with snow, except in the vicinity of the 'breathing holes,' and appeared from above to be nearly horizontal, but in fact dips from one side to the other at an angle of not less than fifty degrees. The sides are composed for the most part of a grayish red porphyry, are nearly verticle in direction, and, owing somewhat to the obliquity of the lip, but more particularly to the inclination of the floor, vary in height at different points from four hundred to a thousand feet. The 'breathing holes' just mentioned are three or four openings several feet each in diameter situated in the lower part of the floor. From these a sulphurous smoke is continually rising, and, when the wind is in a certain quarter, fills the whole

crater, much to the discomfort of the workmen. The air being very quiet, we were not thus incommoded. All around the borders of the holes sulphur is continually deposited, and, being there subjected to a heat just sufficient to melt it, large stalactital masses are formed, some of which are very beautiful. In addition to these lumps of pure sulphur, large quantities are precipitated in the porous volcanic rocks immediately around, from which a considerable quantity is obtained by smelting down at the 'Rancho.' The windlass is placed upon that side of the wall where the depth is the least, and, being about a hundred feet below the edge, requires a rope of only about 275 feet in length to reach the bottom. By means of this the sulphur and sulphurous stones are raised, and the laborers ascend and descend. Not more than a third of a mile from the point where the rope strikes the bottom is a hut in which the workmen live for two or three weeks together, being partially protected from the inhalation of the sulphurous steam by pieces of thick woollen cloth worn over their mouths and nostrils. Nearly all of our party descended by the rope, but owing to the steep declivity of the bottom, did not venture as far as the 'breathing holes.' Notwithstanding the rarity of the atmosphere at the top of the mountain, the barometer indicating a pressure of only fifteen and a half inches, respiration is not sensibly affected when the body is at rest, and I am convinced by my own experience and that of every member of our party, some of whom possessed rather less than the average pulmonary development, that many of the stories told by similar travellers to the effect that dizziness, bleeding at the nose, violent palpitation of the heart, etc., are not uncommon under such circumstances, have but little foundation in fact. It is true that comparatively slight exertion produced in us all rapid and deep inspirations, and a decided acceleration of the heart's action, and it is this and not the tax upon the muscles of the legs that renders climbing such high elevations laborious and fatiguing. But a few moments' rest restores the usual equilibrium, and no inconvenience re-

sulted. Having remained in the crater two or three hours, enjoying to its fullest extent the novelty and grandeur of the situation, we toiled slowly up from the windlass to the edge, for the purpose of descending the mountain. This latter operation does not consist, as you might suppose, in retracing, step by step, the zigzag path along which we had ascended with so much difficulty and danger, but, startling as it may appear to you, in simply sliding down upon the surface of the snow. As you are aware that the distance to be overcome in this way is not less than four thousand feet, probably more, I think I hear you exclaim, with uplifted hands, 'Frightful! impossible!' Not so, for it is not only practicable, but downright jolly, and we all enjoyed it greatly. One of the ladies even averred that it was worth climbing the mountain to have the fun of sliding down. The manner of conducting the sport is as follows: The guide takes a palm-leaf mat or petate, about two-thirds the size of an ordinary hearth-rug, lays it lengthwise upon the frozen surface, and immediately below its lower edge drives his stock deep into the snow. He then takes his seat upon the petate near its lower extremity, his face looking down hill and his legs widely separated, resting upon the snow. The passenger sits in like manner behind, with his legs thrown around the body of the guide, and his heels resting upon the thighs of the latter. If there is a second passenger, he takes his seat behind the first and disposes of his legs in the same way. When all is ready, the guide seizes firmly hold of a small rope-handle attached to the lower edge of the petate between his thighs, pulls up his stock, which up to this moment has kept him in position, and immediately the petate with its living load glides down the inclined plane, the guide steering it with his stock, and retarding its speed, if necessary, by pressing his heels into the snow. In this manner, one after another, we went sailing down the long, smooth slope, the gentlemen hallooing, the ladies laughing, the snow flying off upon either side like water from the prow of a fast steamer, and the guides calling to us continually



to keep steady on our seats. It was a novel and exciting race, I assure you, and all agreed that it was the most splendid 'coasting' we had ever experienced. Our only regret was that it was so soon ended, for in six minutes from the time of starting we accomplished the distance which had required nearly six hours' hard labor to traverse in an opposite direction."

Among other places of interest visited during the same summer tour were Jalapa, the valley of Cuernavaca, the ancient palace of Cortez, and those wondrous specimens of pre-historic American architecture—the Ruins of Xochicalco. A brief description of the last is all our space will permit us to give here.

"The ruins of Xochicalco are situated for the most part upon a single hill, which, although not more than three hundred feet above the rolling plateau immediately around, owing to the elevation of the latter may be seen from a great distance, save in one direction where the mountains approach within a few miles. So completely is it covered now, however, with stunted trees, shrubbery, vines, and weeds that we could discover no evidence of artificial work upon it until we reached its very base. Here we crossed a deep and broad ditch, walled with cemented stone, and extending entirely around the hill, a distance of about three miles. The walls of this trench are for the most part broken down, or so overgrown with vines and brush-wood as to be scarcely accessible except with great labor; but in many places they are as perfect as when first constructed, and measure upon the upper side six or eight feet in height. Above this point the slope presents a series of four or five high terraces, supported by slightly inclined walls composed of large rough masses of porous volcanic stone, called *tepile*, closely cemented with mortar. No single terrace, however, entirely encircles the hill, but all are intersected by broad ridges, less inclined than the general surface, and terminated by an abrupt wall. Whether these buttresses were thrown up artificially, which seems most likely, or consist of natural irregularities upon the surface, is not perfectly clear; but in either case they evidently

served as bastions, from which the sides of the terraces would be commanded in case an attacking party succeeded in reaching one or more of the latter. The dilapidated state of the works permitted us, at some risk of tumbling backward, to ride on horseback slowly and in a zig-zag course to the summit of the hill. Here, in the centre of a broad esplanade, but concealed in great measure by small trees and tangled undergrowth, lie the ruins of the most remarkable specimen of ancient American architecture yet discovered north of Yucatan and Guatemala. Our reading had not, we must confess, been sufficiently extensive or minute to prepare us for the extraordinary sight which presented itself when we pressed through the bushes and stood face to face in close proximity to this striking relic of a bygone and unknown people. The first effect was startling, and, seized with a mysterious awe, we halted and looked aside, fearing lest we were entering upon forbidden ground. The human figures upon the wall, though somewhat grotesque in shape, seemed instinct with sudden life, and, though motionless and silent, to mock our ignorant curiosity and warn us from the spot. It was no little while, indeed, before we could allay our superstitious fears and calm our excited imaginations so as to scrutinize the work with philosophic thought and deliberation. It has been satisfactorily determined by archæologists that the original monument or temple was a five-storied truncated pyramid, constructed entirely of hewn stone, and measuring about fifty feet in height. Of this only the base or lower story now remains, which is rectangular in form, its lines corresponding exactly to the points of the compass, and measuring along its upper edge sixty-four from north to south and fifty-eight from east to west. It consists of huge dressed granite blocks, some of them eight feet in length and nearly three feet in breadth and thickness. These are most accurately fitted without cement, and form in position an inclined wall fifteen and a-half feet high, which presents a well-finished plinth below; then a broad surface divided into two long panels which extend the

whole length of the wall; next a frieze, also divided into two panels; and, lastly, a prominent cornice by which it is terminated above. The whole of the frieze, which is three and a-half feet in width, and the two broad panels are crowded with figures in bass-relief, having a projection of four or five inches; and as they extend from one stone to another, it is more than probable that they were sculptured after the wall was erected. It is impossible to give an intelligible description of these carvings without the aid of illustrative drawings, of which none are to be had outside of certain books, and not always found there very correctly given. They consist, however, for the most part of the human form, with front view of the body and face in profile, a tunic around the loins, heavy necklace of round balls about the throat, and a profusion of curved lines drooping from the head and supposed to represent feathers. Some of the figures terminate below in a kind of feather brush or scroll; some are reclining, some standing, and others apparently walking, holding erect in the right hand a club shaped like a cricket bat. There are also well-defined rabbits, heads of nondescript animals like alligators with drooping lines from the interior of their open mouths and the tops of their heads, hieroglyphic letters, circles enclosing a cross, and near the last a figure like the letter V on its side (thus, <), which I have fancied was intended for a pair of dividers. Nearly the same figures and groupings are repeated upon each of the two broad panels and upon the four sides, and another set upon the two halves of the frieze, and the same upon the four sides. Among the latter is a very remarkable representation of a man sitting cross-legged with a cap upon his head, from which projects forward the head and half the body of a snake, and over his eyes what appears to be a pair of spectacles without glasses.

“On the western face of the ruin are the remains of a stone stairway, which is said, by those who saw the building before it was so nearly demolished, to have terminated on the top of the first terrace opposite three portals communicat-

ing with the interior of the pyramid. In the sides of the hill, a short distance from the summit, are three or four large openings leading to subterranean excavations, two of which we followed to the distance of twenty or thirty yards, where they terminated abruptly in moderate sized halls ten or twelve feet high, but without any stone facings or cement. A third one, which was explored by Dr. Skelton and Mr. Drees, led to a large vaulted hall partially walled with cemented stones and supported by pillars left in making the excavation. In the centre of the arched ceiling they observed a large opening, occupied by a hollow cylinder of earthenware, the upper orifice of which was closed as if by something having fallen into it. This hall is said to be situated underneath the pyramid, and its opening to communicate with the interior of the latter. The floor of the tunnel leading to the hall is cemented, and a short distance within the entrance I found the root and shaft of a small deer's horn, about eight inches in length. Upon searching the ground around the pyramid and upon the hill terraces below, we found great quantities of small fragments of ancient pottery, but none of the clay heads that abound around the pyramids of Teotihuacan, and not the smallest piece of obsidian. The latter fact is almost positive proof of the more recent erection of the latter monuments. . . . Whoever may have been the builders of the pyramid of Xochicalco, it is quite evident that they lived before the time of the constructors of the pyramids of Teotihuacan, for the reason already stated that they did not understand the use of obsidian, which was so largely employed by the latter in the manufacture of cutting instruments, arrow-heads, and the like. That they possessed great taste in architecture, most wonderful skill in some of the mechanic arts, and a tolerably clear knowledge of scientific engineering, no one can doubt after an examination of the ruins.

“When it is borne in mind that the immense blocks of granite, of which the base of the pyramid is formed, were brought from a great distance—for there is no appearance of this species

of rock within many miles of the spot—that these were carried to the top of a steep hill three hundred feet high; that they were elevated into a stately edifice, and that they were beautifully sculptured, all this without the use of iron or steel, and, so far as we know, without the knowledge of any of the modern contrivances for moving heavy masses, or even beasts of burden, we cannot deny them a high rank in the arts and refinements of civilized life. They possessed copper and tin, and probably compounded them into a species of bronze of which they constructed tools; but it is scarcely possible that with these they could have dressed and carved the hard and flinty granite. And whence did they derive their knowledge of design, their delicate taste in decoration, and their great skill in execution? Alas, for our ignorance, we can only reply as does the poor, illiterate Indian of the present day, *Quien sabe?* It seems not improbable that this remarkable building subserved the double purpose of a temple for worship and a mausoleum for the bodies of the chiefs of the people who erected it. What their religious rites consisted in is almost beyond the reach of conjecture, but there is good reason to believe that human sacrifice did not form a part of their ceremonies as it did in the case of the Teotihuacans and the more modern Aztecs; and it is agreeable to imagine that the offerings to their gods consisted of only the beautiful flowers of the field, as would indeed seem to be indicated by the name of the place (Xochicalco), which, literally translated, signifies “House of Flowers.” There can be no doubt as to the object of the ditch at the base of the hill and the terraces into which the latter was fashioned; and the knowledge of defensive fortifications thus exhibited is truly astonishing. The excavations in the hill probably belong to the same category as the latter, forming admirable places for resort for the women and children in the case of attack from their enemies. It is also reasonable to suppose that the level ground on the summit of the hill adjacent to the great temple was used as a burying-place for the distinguished men of the

nation. . . . But who were the authors of these remarkable works? Whence did they come, and whither have they gone? Is it possible for a race of people upon this little globe of ours to emerge from barbarism, pass through the slow stages of intellectual growth, attain to a high grade of civilization, and then disappear, all without the faintest knowledge of their existence by contemporary nations pursuing the same line of progress? These are questions which are continually clamoring for solution. Many and various are the answers which have been given, but until a Mexican Rosetta stone be discovered and a new Champollion arise, our absolute knowledge of the history of this wonderful people must continue, as it is now, almost a complete blank.”


In addition to the literary productions already mentioned, Professor Richardson has contributed a number of articles, upon various surgical affections, to the pages of the *New Orleans Medical and Surgical Journal*, and *Medical News and Library of Philadelphia*, among which may be mentioned a Clinical Lecture on “Chronic Cystitis and its Treatment by Injections of Strong Solutions of Nitrate of Silver,” which appeared in 1878. He is also the author of the life of the distinguished anatomist and naturalist, Professor John D. Godman, in the work entitled, “American Medical Biography,” edited by Professor S. D. Gross, M. D.

He is a corresponding member of the College of Physicians and Surgeons of Philadelphia, and of the Academy of Natural Sciences, Philadelphia; an active member of the Louisiana State Medical Society, and of the Orleans Parish Medical Society.

Professor Richardson has for many years been a member and elder of the First Presbyterian Church of New Orleans. His first wife was a daughter of the late Professor Charles W. Short, M. D., of Kentucky, Professor of *Materia Medica* in the University of Louisville, Ky. His present wife was Miss Ida Slocomb, daughter of Mrs. Cora A. Slocomb, of New Orleans. He has no children living.

S. H. KENNEDY, Esq.

LOUISIANA.

AMUEL HORTON KENNEDY was born, February 13th, 1816, in Middlesex county, Mass., and is the son of Artemus Kennedy, farmer, of Norfolk county, Mass. The Kennedys are of Scotch-Irish descent, and came to this country in the latter part of the seventeenth century, settling in Massachusetts. Benjamin Kennedy, the grandfather of the subject of this sketch, took part in the Revolutionary war.

Samuel H. Kennedy was educated in Milton, Mass., and on leaving school, in 1832, became a clerk in the house of French, Davenport & Co., in the West India trade, Boston, until 1835, when he removed to Alton, Ill., where he established himself in the wholesale grocery trade, under the firm of S. H. Kennedy & Co., which for seven years pursued a prosperous career. In 1843 he determined to seek a wider sphere for his abilities, and moved to New Orleans, where he entered into the Western produce and commission business, under the style of Kennedy & Foster, which continued till 1852, when the firm was changed to S. H. Kennedy & Co. Mr. Kennedy displayed so much business tact and ability that for more than twenty years the firm increased and prospered, enjoying a longer career and a larger measure of support than any one firm in the same business in the Crescent City.

At the outbreak of the war, in 1861, the business was temporarily suspended, as the communication between the Southern and Western States was entirely cut off, until the opening of the navigation of the Mississippi river, in 1863, rendered a renewal of business relations possible. In those days, before the inauguration of the present railroad system, much the larger portion of the provision trade between the Western and Eastern States passed through New Orleans, and the great bulk of it was transported in flat-boats down the Mississippi river. Vast amounts of flour, grain and provisions passed through the hands of New Orleans commission

merchants, and S. H. Kennedy & Co. conducted for nearly a quarter of a century an enormous forwarding business. The development of the railway system having diverted a large portion of the Western trade into other channels, Mr. Kennedy retired from the firm in 1874, leaving the business to the junior partners, who still continue a prosperous business. On the 1st of July, 1874, Mr. Kennedy joined the firm of Payne, Kennedy & Co., successors to Payne & Harrison, one of the oldest and most extensive houses in the cotton commission business in New Orleans, of which firm he still continues a member.

The Louisiana State Bank, of which Mr. Kennedy had been a Director before the war, was the leading bank in New Orleans, possessing a capital of \$2,000,000 and deposits of \$5,000,000. Early in 1870, in consequence of the losses and calamities consequent on the destruction of all descriptions of property during the war, the bank was about to be placed in liquidation. The stockholders, however, wishing to resuscitate the institution, and knowing Mr. Kennedy's peculiar aptitude for the purpose, urged him to take charge of and reorganize its affairs, and place it on a sound footing as a financial institution. In February, 1870, he became its President, and reorganized it as a national bank, under the name of the State National Bank. In consequence of his prudent and judicious management and the confidence inspired by his name, the bank soon proved a marked success, and is now one of the leading financial institutions in New Orleans, with its head office on Camp street and a branch depository on Royal street. This bank is the financial agent of the State, having been selected on the accession to office of Governor F. T. Nicholls, the present Governor of Louisiana. As an instance of its strong hold on the confidence of the commercial public of Louisiana, it may be mentioned that the deposits, which, on Mr. Kennedy's assuming the management, were only \$100,000, increased in the course of the two following years to \$2,000,000.

Mr. Kennedy has paid several visits to Europe, where his family resided for several years.



*Saml. H. Kneass.*



His cultivated taste and ample fortune has enabled him to enrich his elegant private residence, in the most delightful part of New Orleans, with some choice specimens of the art treasures of Europe. This handsome chateau is situated in beautiful grounds, with close shaven lawns, brilliant flower-beds and choice trees, including the orange, banana, etc. The building, which has a mansard roof, is seventy-five feet square, with an additional ell of twenty feet, and is almost encircled with wide verandas. It contains five rooms on the ground floor and ten above. The hall, which is fifty feet by twelve feet, contains some fine paintings, among which is a copy of the famous Beatrice Cenci, some cupids by Guido Rene, and an Italian landscape; there is also a magnificent artist's proof of the picture by Paul De La Roche, which surrounds the hemicircle at the Beaux Arts in Paris, illustrating the masters of art in all ages of the world, and marble busts of Mr. Kennedy and his wife, by P. Frank Conally, who was commissioned by the queen to make a bust of the Marquis of Lorne. On the right is the library and music room, thirty-two feet by eighteen feet, with handsome frescoed walls and ceiling, the design of a French artist; the tessellated floor is of oak and walnut, and handsome book-cases of walnut and ebony, with French plate glass doors, surround the room. Here there is a marble bust of Cæsar Augustus at the age of fourteen, a superb copy from the original in the Vatican at Rome. Behind the library is the dining-room, a square apartment with an arched recess containing a handsome buffet and china closets, with glass doors to display their treasures, occupying the walls. Among the paintings is a fine copy of Paul Potter's "Bull," and the interior of St. Sophia, by Canaletto. Entering the hall on the left hand is the reception-room, with some elegant glass panels of embroidery, and copies of the "Annunciation," after Carlo Dolce, and the "Dante and Beatrice" of Ary Schœffer, besides an Italian sketch in the pre-Raffaelite style. Behind the reception-room is the grand saloon, a magnificent apartment forty feet by twenty feet, handsomely furnished, but not yet com-

pleted in its decorations. A broad and handsome staircase, with steps of only four and one-third inches rise, making the ascent unusually easy, and vases in niches on the walls, leads with a grand sweep to the upper part of the house.

Mr. Kennedy is a Director of the Crescent Mutual Insurance Company, and of the New Orleans Gas Light Company. He has devoted his life to commercial and financial pursuits, and his sagacity and prudence have been rewarded by an ample fortune. Still in the prime of life, as shown by his vigorous physique, he promises to take an active part in the financial affairs of his section for many years to come.

He was married, in 1845, to Eleanor Horton, daughter of Enoch Horton, merchant, of New Bedford, Mass., and has two children living—Frank Kennedy, a member of the firm of Payne, Kennedy & Co., and a daughter, the wife of Henry W. Payne, a partner in the same firm.

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#### BISHOP DAGGETT.

VIRGINIA.

**D**AVID S. DAGGETT, Bishop of the Methodist Episcopal Church, was born, January 23d, 1810, in Lancaster county, Va., commonly called the Northern Neck of Virginia.—Is the son of the Rev. John Daggett, his great ancestor being a clergyman of the Episcopal Church in England. His father was a local minister of the Methodist Episcopal Church and a justice of the peace.

David S. Daggett was educated at Northumberland Academy, in North Carolina, and was first intended for the law, but at seventeen years of age, having embraced the Christian religion, resolved to devote himself to the church. In his twentieth year he entered the itinerant ministry, and in 1831 his first station was in Petersburg, Va., whence he removed to Lynchburg, 1832-33, and in the following year to Richmond, where, on the 19th of June, he married Miss Martha Ann Gwathmey, daughter of Dr.

George Gwathmey, physician, of Bedford county, near Lynchburg, Va., whose brothers were commission merchants, of Richmond, and one member of the family was a lieutenant in the United States navy. He then returned to Petersburg, was at Norfolk in 1836, and afterwards again in Richmond, from whence he was appointed Chaplain to the University of Virginia, and there became a student and received the greater portion of his classical education at that university. Whilst at that institution he for two consecutive years attended the four schools of ancient languages, moral philosophy, natural philosophy and chemistry. From there he again went to Richmond, and then to Randolph-Macon College, Mecklenburg county, as Chaplain, and whilst at that institution was elected Professor of Mental and Moral Philosophy, serving four or five years in that capacity and receiving the degree of M. A. From Randolph-Macon he was returned to Lynchburg, as pastor of the church, and whilst there received the degree of D. D. from the college. From Lynchburg to Petersburg, and then to the Centenary Church, Richmond, and afterwards to the Granby Street Methodist Church, Norfolk. He was about this time appointed, by the General Conference of the Methodist Episcopal Church South, Editor of the *Quarterly Review*, a theological and literary periodical issued by that body in Richmond, and held that position for eight years, in addition to his clerical duties. His next charge, after Norfolk, with an interval of a year spent in Richmond, as Editor of the *Review*, was in the Methodist Episcopal Church in Washington, D. C., where he remained two years. He was again returned to Richmond and appointed Presiding Elder of the Richmond District; was a member of the Conference of the Methodist Episcopal Church South, held at Louisville, in 1845, where he assisted in organizing the church, and was also a member of several successive general conferences. After this he was appointed to the Broad Street Methodist Episcopal Church for two years, during the war. (It may here be remarked that two years is the pastoral term in this church.) After this to the Centenary

Church, and during that term was sent as delegate to the General Conference, which met in New Orleans, in April, 1866, where he was elected and ordained Bishop of the Methodist Episcopal Church South, which position he has occupied for the past twelve years, having presided over about sixty annual conferences, which have been held in different districts in the South, extending from the Atlantic to the Pacific coast, but has always had his home in the city of Richmond, residing in the same house for the past twenty years. The Methodist Episcopal Church South has now 750,000 communicants, 3,000 itinerant preachers and about 5,000 local preachers, and is the second largest Methodist Episcopal Church in numbers in the world, and only exceeded by the Methodist Episcopal Church of the United States. There are now but seven bishops, who are joint superintendents of the entire church, and interchange the districts amongst themselves annually—their homes, however, being permanent. Bishop Daggett has published a number of pulpit discourses and literary addresses. He started, in connection with the Rev. John E. Edwards, the *Episcopal Methodist*, a weekly journal, of which they were joint editors and publishers. This journal is now published in Baltimore.

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COL. D. M. CARTER.

NORTH CAROLINA.

**D**AVID MILLER CARTER was born, January 12th, 1830, in Hyde county, N. C. The Carter family came originally from the borders of Maryland and Virginia, and settled in North Carolina at the close of the Revolutionary war. Captain Peter Carter, an officer of the Revolution, was a member of the family. David Carter, the grandfather of the subject of this sketch, was for twenty years a member of the Legislature of North Carolina, and Chairman of the County Court of Hyde county. David Carter, his father, had large cotton and corn plantations, and was a leading man in his district, being



largely interested in canalling and internal improvements. He represented Beaufort and Hyde counties in the State Senate in 1846-47, and married Sarah Lindsay Spencer, a descendant of an old family of English extraction, who were among the first settlers in that part of the State.

D. M. Carter was prepared for college under J. M. Lovejoy, at the Raleigh Academy, an educational establishment of considerable note at that time. He entered the University of North Carolina, at Chapel Hill, in 1847, and graduated from there with distinction in 1851. B. S. Hedrick, of Washington City, Bartholomew Fuller, of Fayetteville, and F. E. Schober, member of Congress, were among his classmates. He read law under Judge W. H. Battle while at the university, and in January, 1852, received his county court license. He remained at the university six months after graduation, pursuing the study of law, and, receiving his Supreme Court license in January, 1853, entered into partnership with the Hon. Richard S. Donnell, a distinguished lawyer, at Washington, N. C.

In 1853 Mr. Carter was engaged in a trial for murder, which created intense excitement at the time, which was heightened by its tragic termination—The State *vs.* The Rev. G. W. Carrowan for the murder of a schoolmaster, who was waylaid and shot from behind a hedge, presumably for revenge. The body was, after a prolonged search, found buried in a swamp, beneath some of the carpet-like moss which grows luxuriantly in that part of the country. Mr. Carter, assisted by Judge Warren, prosecuted, and the prisoner was found guilty. As soon as the verdict was given, the prisoner took a pistol from his pocket and fired at Judge Warren, hitting him in the breast, and then, despite the efforts of the sheriff to prevent him, blew his own brains out. Mr. Carter prepared the case, but was not in the court-house at the time of the shooting of Judge Warren, who afterwards recovered. He was appointed Solicitor for the County of Hyde in 1853, and held that office a number of years. In the early part of 1861 he was elected a member of a convention to con-

sider the question of secession, but the call was not ratified by the people, and consequently the convention never met. Mr. Carter declined election to the second convention, which passed the ordinance of secession. On the issue of President Lincoln's proclamation, he was elected Captain of Company E, Fourth North Carolina Regiment, and went into active service in northern Virginia. At the battle of Seven Pines (Fair Oaks), where his regiment was almost annihilated, he was badly, and at the time supposed fatally, wounded, and was disabled from duty for many months. From that battle he was promoted to Lieutenant-Colonel of the Fourth North Carolina Regiment, and in December, 1862, was appointed Military Judge at General T. J. Jackson's ("Stonewall") First Corps head-quarters, and remained in that service until the death of General Jackson. On the reorganization of the army he was promoted to Presiding Judge at General A. P. Hill's Third Army Corps head-quarters. He was elected a member of the Legislature of North Carolina, August, 1862, and after the battle of Gettysburg was a zealous advocate for peace. He took an active part in all the discussions on the *habeas corpus* question, and was an earnest advocate for holding to its integrity. In January, 1865, as a member of the Legislature, he was appointed, with the Hon. John Poole, since Senator, Judge Pirson and Colonel E. D. Hall, on a secret mission to President Davis, for the purpose of representing the views of the people of North Carolina on the war question, and ascertaining the true condition of the Confederacy, and were in consultation with the President on the same day that Alexander H. Stephens, Judge Campbell and Hon. R. M. T. Hunter were on board the United States man-of-war in Hampton Roads, in consultation with President Lincoln and Mr. Seward. They returned to Raleigh and reported to the Legislature, who were then on the point of adjournment never to meet again. It is probable that before long the true inwardness of this secret mission will be made public, Colonel Carter having been repeatedly urged to make the facts known.

In 1867 he was elected a member of the State Senate for Beaufort and Hyde counties. In 1866 he resumed the practice of his profession at Washington, N. C., and his former partner, the Hon. R. S. Donnell, having died, in 1868 he associated himself with Judge Warren, who had been displaced from the Bench at Washington by the Reconstruction acts. In 1872 Colonel Carter was the Democratic candidate for Congress for that district, but was defeated by Mr. Cobb. When Congress passed the Civil Rights bill, in 1873, it produced a revolution and seriously embarrassed the Republican party, and caused their defeat in the State. They have never secured a representative since except in a negro district where the colored voters are in a majority of 5,000 or 6,000. In 1874 he removed to Raleigh, for the superior educational advantages it offered to his children, where he continues the practice of his profession, principally in the First and Second Circuit Courts and in the Supreme Court. He has for years been extensively engaged in canalling and developing the swamp lands in the eastern part of the State. He is a Director of the Raleigh National Bank, Director of the Home Insurance Company, President of the Board of Directors of the Penitentiary, Trustee and member of the Executive Committee of the University of North Carolina, and Chairman of the Board of Commissioners appointed by the Legislature to build the Executive Mansion.

Colonel Carter is an able lawyer, and if he would give his entire time to the practice of his profession he would acquire great distinction therein; but, being a man of large estate, he necessarily devotes much of his time to attending to and improving it. He is a cogent and powerful reasoner, a clear and impressive speaker, and has the confidence of all parties as a man of the most sterling integrity. His social qualities are of the first order; beloved by his family, kind to the poor, grappling his numerous friends to him by his fidelity and ingenuousness of disposition, he is in many respects a model North Carolinian.

He married, in April, 1858, Miss Isabella

Perry, daughter of David B. Perry, an extensive planter of Beaufort county, N. C., who died in January, 1866. In May, 1868, he was married a second time, to Mrs. Banbury, widow of Captain John A. Banbury, planter, of Edenton, N. C.

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COLONEL G. W. RAINS.

GEORGIA.

**G**EORGE WASHINGTON RAINS was born in Craven county, N. C., 1817, and is the son and eighth child of Gabriel M. Rains. The Rains family is of English descent; John Rains, grandfather of Gabriel M. Rains, having emigrated to America and settled in Essex county, Va., early in the eighteenth century. His son, also John Rains, was a man of enlarged views and philosophic tastes and a great traveller in his day. During a visit to London, in 1756, he made the acquaintance of Swedenborg, whose writings, then creating much attention in England, had naturally great attraction for one of his liberal and inquiring mind. Gabriel M. Rains, his son, was engaged in the furniture trade between New York and the West Indies, and while on one of his voyages the vessel became disabled and he put in for repairs to Newbern, N. C., where he settled and married Esther Annesley, the daughter of a retired officer of the English army, who had taken up his residence on Albemarle Sound. When his eldest son, John, grew to manhood he sent him into Alabama, then one of the latest additions to the Union, and when he had established himself as a planter in that State joined him with the remainder of the family. John Rains afterwards became a prominent lawyer in Marengo county, Ala., was State Senator, 1837 to 1839, and died in the latter year.

Gabriel J. Rains, the second son, a graduate of West Point, when captain in the Seventh United States Infantry, was shot through the lung in a battle with the Indians in Florida; he became colonel in the United States army and afterwards general in the Confederate service,

and was wounded at the battle of Seven Pines; he was then made chief of the Conscription Bureau and afterwards head of the Torpedo Bureau at Richmond, Va.

Gabriel M. Rains, the father, inherited a philosophic and dispassionate temper, and his sons had the advantage of being entirely untrammelled in their ideas and free to investigate the most abstruse questions, a permission which his son George Washington availed himself of to the fullest extent, as is shown by his high scientific attainments and philosophic taste. His early education was received at the Newbern Academy, in Craven county, N. C., and at an early age he went out to the Indian Territory, west of Arkansas, to join his brother, Lieutenant Gabriel J. Rains, at that time disbursing agent of the United States in that district. His young imagination having been fired by reading Cooper's novels, descriptive of life among the Indians, this wild region, inhabited only by savages roaming over the boundless prairie, was the place of all others calculated to deeply interest an ardent imagination with the many incidents of Indian life and border experience. Here he remained for more than a year, and on his return to Alabama made a voyage of six hundred miles in a "dug-out" down the Arkansas river, from Fort Gibson to Little Rock. In 1838 he entered West Point Academy, and having a strong taste for military life, went through the different grades from corporal to captain of cadets with the highest credit, acquiring the esteem and confidence of his instructors. The pride, pomp, and circumstance of glorious war had boundless fascination for the young cadet, and when, on his first promotion to corporal, he chanced, through the absence of his superior officers, to have command of his guard, the pinnacle of glory seemed reached, and no after successes seemed comparable to that first taste of authority when, with head erect and backbone of steel, he marched at the head of his command past the inspecting officer. He was made Corporal at the end of his first year, First Sergeant at the expiration of the second, and during the last year was First Captain of cadets, the

highest rank attainable at West Point. Being rated high in every branch he was first in scientific studies, and, on the summation of the whole, ranked third of his class—General Newton, of the United States Corps of Engineers, who afterwards conducted the vast explosive operations at Hell Gate, taking first honors, and Professor Eustis, of Harvard University, being awarded the second. Graduating in 1842, he left West Point for Boston, having received his commission July 1st of that year as Second Lieutenant of Engineers under Colonel Thayer, who had been connected with the academy previous to the war of 1812, when it was simply a school for engineers, and organized it in its essential features as it is at present. Colonel Thayer, a man usually of very reserved habits with his subordinates, took a liking to his young assistant, with whom he conversed freely, relating his European experience and reminiscences of Paris after the downfall of Napoleon; he was then engaged in the construction of Fort Warren in Boston harbor, and it was there that Lieutenant Rains' practical experience in engineering was gained. Having such a predilection for the parade and excitement of military life, the quiet and monotony of the engineers, although the highest corps in the army, became irksome to him, and, after a year's experience under Colonel Thayer, he resolved to apply for an exchange. General Scott, who took great interest in the cadets and often visited West Point, had seen and become acquainted with young Rains, and when the circumstances were explained to him, used his influence to obtain, what had never been heard of in the army before, the wished-for exchange from a higher to a lower grade—the artillery. Joining the Fourth Artillery at Fortress Monroe, he reported to General Walbach, then in command, a perfect soldier and the beau ideal of the bluff old warrior. On 23d April, 1844, he was offered the position of Assistant to Mr. Bache, a grandson of Benjamin Franklin, then in charge of the Coast Survey, but declined the offer. He remained with that regiment from 1843 to 1844, when an assistant professor was

required at West Point to take the place of the one about to leave the academy, and Lieutenant Rains was chosen to fill the position on account of his brilliant scientific record while at the academy.

Returning to West Point as one of the assistant Professors of Chemistry, Geology and Mineralogy, in 1844, he remained there till the outbreak of the Mexican war, in 1846, when he applied to join his regiment, and embarked with it for Point Isabel at the mouth of the Rio Grande, then the great depot of the army for Mexico. While stationed, in 1846, at Point Isabel, he was made Acting Assistant Quartermaster and Acting Commissary of Subsistence; but tired of the inaction of depot-life, he wrote to General Scott, representing that he had left a splendid position at West Point solely that he might be engaged in active service, and begging him to use his influence to that end. In the meantime General Taylor had detailed him as bearer of despatches to the fleet at Vera Cruz, although his ostensible mission was that of returning some prisoners to the Mexican authorities at that city. Quite unexpectedly General Scott and staff arrived at the mouth of the Rio Grande, and knowing that Lieutenant Rains was the bearer of despatches from General Taylor, sent for him, telling him he had received his letter and was going to relieve and take him into the field, and that he should be the bearer of his (Scott's) despatches to the fleet which would supersede those of General Taylor. Accordingly in January, 1847, he sailed for Vera Cruz and was the first American officer who entered that city. Handing over the prisoners to General Landers, then in command, by whom he was received with much ceremony and display, he reported to Commodore Conner, in charge of the blockading squadron, and delivered his despatches. He remained with the fleet about ten days while the Commodore was collecting the information sought by General Scott, and, being on the blockading ship, took part in all the excitement of heading off the blockade-runners. When he returned, General Scott verbally appointed him his aide-de-camp,

but could not take him in the same ship with him on account of its crowded condition, and he was directed to report at Anton Lizardo, whither the army were to rendezvous previous to proceeding to Vera Cruz. General Pillow, the law-partner of President Polk, and a man of high talents, but of no military education, had been appointed second in command to General Scott, and should anything happen to that officer, would, by right, take his place; it was necessary, therefore, that General Pillow should have an aide-de-camp well versed in military knowledge, and as he had applied for Lieutenant Rains, General Scott decided that officer must accept the appointment.

The campaign commenced with the siege of Vera Cruz, and from that time until the battle of Cerro Gordo he acted in that capacity, where, while attacking the main front, General Pillow was badly wounded by grape-shot, caught in the arms of his aide-de-camp, and borne from the field. Very soon after the battle, General Pillow was sent back, invalided, to the United States from Jalapa, where General Scott took Lieutenant Rains as his aide-de-camp, retaining him for three months, including his march to and occupation of the city of Puebla. On General Pillow's return, Lieutenant Rains rejoined him as aide-de-camp, and participated in all the battles of the Valley, receiving his commission as First Lieutenant of the Fourth Artillery in March, 1847, and as Brevet-Captain for gallant conduct at the battles of Contreras and Churubusco on the 20th of August in the same year. In the campaign it had become customary for General Pillow and Captain Rains, who was his confidential adviser, to consult together before issuing the orders to the other officers, but on the evening previous to the battle of Chapultepec this practice had been accidentally omitted. In the hurry of the moment orders were given by the General which, in after consultation with his aide, were found to be injudicious, more especially that of dividing Colonel (now General) Joseph E. Johnston's regiment of Voltigeurs. This being rectified in the morning, it was still apparent that the General scarcely

realized the critical condition of the American army, not a third of that of the Mexicans, and the desperate straits to which they would be reduced if they did not succeed in dislodging the garrison from the castle of Chapultepec. Captain Rains urged that General Scott should be asked to order General Worth's forces, then held in reserve, to assist in the assault. Not a moment was to be lost. General Scott was impatient and annoyed that there might be some delay of the action, and it was only by the greatest exertions on the part of Captain Rains that the order was given to General Worth in time to bring his troops into action. General Pillow's men, followed closely by those of General Worth, poured up the steep ascent, and with the wildest enthusiasm stormed the castle, the Mexicans seeming utterly paralyzed by the impetuosity of the attack. Colonel Joseph E. Johnston, in command of the Voltigeurs, was first to plant the stars and stripes on the walls, and what was left of the garrison of 7,000 men was captured after a brief but bloody hand-to-hand struggle. This was the last important point in the Mexican war, as General Santa Anna, on the fall of the castle and the gates of the city, fled to Guadalupe, about six miles distant. General Pillow was again badly wounded in this battle at the side of his aide-de-camp, and placed *hors-de-combat*, and the city of Mexico was captured by General Worth's forces assisted by General Pillow's command. Captain (afterwards General) Robert E. Lee, of the Engineers, was General Scott's right-hand man as an engineer officer during this campaign, from the commencement at Vera Cruz to the capture of the city of Mexico.

General Scott was much elated at the brilliant success of the campaign, and rode up to the grand plaza and to the Palace with his staff in imposing array, to occupy a city of 150,000 inhabitants with a scant 6,000 men. The Mexicans could scarcely believe their eyes when they saw the small band that had so decisively defeated their supposed invincible troops, and at once commenced a system of desultory warfare by firing from the houses and from every point of vantage

on the defenceless Americans, who lost heavily without the chance of reprisal. General Scott at once ordered that every house from which firing took place should be given up to pillage, and upon this all such houses were sacked, and artillery being dragged into the interiors, holes sufficient for the passage of men were blown through from house to house until they reached the Palace of Iturbide, thus enabling the Americans to drive the enemy from their hiding places without being themselves exposed to their galling fire. The Palace, a large four-story building, was packed with Mexicans, who fancied themselves secure, but it was quickly stormed by the Americans, and every Mexican it contained killed. After this, some desultory firing was still kept up in the back streets, but this was soon silenced, and the city was in the hands of the conquerors. For gallant conduct at the battle of Chapultepec Captain Rains received his commission as Brevet-Major, and after seven months' residence in the city of Mexico, returned with General Pillow to New Orleans, where their reception was enthusiastic in the extreme, and attentions and hospitalities were poured on the Heroes of Mexico with a lavish and unsparing hand. With General Pillow he visited Washington, visiting daily at the White House for some time, and becoming acquainted with President Polk and his family, and rejoined the Fourth Artillery, then in command of General Twiggs, stationed at New Orleans, where he remained for some months. As the summer advanced, they were ordered to Pascagoula, to avoid the sickly season and the risk of yellow fever. After some weeks of pleasant and gay life at this watering-place, they were suddenly ordered, at four hours' notice, on board the steamship "Alabama," and landed at Tampa Bay, Florida, the Indians having commenced hostilities. Their chief duties consisted in making roads, constructing bridges and building forts, the Indians keeping concealed in the hammocks after their arrival, and never appearing in the open field, so that no engagement took place. Major Rains, having been in the engineer corps, was fully occupied in these operations, having

two companies under his immediate command. He remained for about eighteen months in the lower part of Florida and in the neighborhood of the Everglades, when a treaty was made between General Twiggs and Bowlegs, king of Seminole, by which the hostile Indians were to be given up to the United States authorities, and the remainder to be sent West. A feeling of utter despondency now began to creep over these sojourners in those dreary glades, and fancying themselves forgotten by the rest of the world, they began to give up all hope of relief. While there a company arrived, commanded by Captain T. J. (afterwards General Stonewall) Jackson, who had been a Lieutenant in the Mexican war, and a cadet during three years of Major Rains' term at West Point. In 1850 Colonel Gardner, then commanding the Fourth Artillery, was ordered to New York harbor, and Major Rains, who had for years desired to be stationed there of all other places, could scarcely believe that fortune had so befriended him until he found himself on the broad Atlantic, and well beyond the depressing influence of those cheerless Everglades. Arrived at New York, the regiment was stationed at Fort Hamilton in the Narrows, and there being a large hotel in the neighborhood of the fort, the officers were once more thrown into all the gayeties of the fashionable world; it was here that Major Rains made the acquaintance of the family of his future wife. In 1851 he was offered the military command of the expedition sent out to define the Mexican boundary-line from New Mexico westward to the Pacific coast, but declined, as he had scarcely recovered from his long sojourn in the lower part of Florida. In the winter of 1851 the regiment was ordered to Fort Columbus, New York, where they remained until 1852, when they were transferred to Fort Mackinaw, at the head of Lake Huron, where the almost arctic climate with its sleighing and skating was a totally opposite experience to that of tropical Florida. Here he had considerable leisure, and devoted himself chiefly to the study of physiology and medicine. After being stationed there two years, they were ordered to Boston harbor for

one month and finally returned to Fort Columbus. Major Rains was then appointed commandant of recruits at Governor's island, having about 1,000 men under his command; holding that position during 1855 and the greater portion of 1856. On the 23d of April of that year he married Frances Josephine Ramsdell, daughter of Homer Ramsdell, then President of the Erie Railroad, and granddaughter of Thomas Powell, a noted inhabitant of Newburgh, and one of the pioneers of steamboat navigation.

Shortly afterwards his regiment was ordered to the Sioux country, Dakota Territory, and as it was impossible to take his wife with him, and there seemed every prospect of their being separated for an indefinite period, his wife's friends persuaded him to retire, and, though very reluctant to leave the army, he resigned his commission in October, 1856. After his resignation he became President and part owner of the Washington Iron Works and Highland Iron Works, at Newburgh, on the Hudson, in which machinery of all kinds was extensively manufactured for the West Indies, South America and the United States. While directing the operations of these works, he invented and patented a number of improvements in the machinery peculiarly adapted to their requirements and which largely contributed to their success. Here, surrounded by a large circle of friends, with every wish gratified and all that could make life happy, directly in sight of his *Alma Mater*—West Point—he passed five years of tranquil enjoyment, in which the remainder of his fitful career promised to be spent. But it was not to be. The mutterings of the coming tempest were becoming louder and louder, and at length, in 1861, it became necessary to decide on which side he should cast his lot. Like every chivalrous and patriotic son of the South he decided that the claims of his native State were paramount to all others, and when the first gun was fired, he left for Richmond and at once reported for duty to President Davis, whom he had known previously, when Secretary of War to President Pierce. He naturally expected to be placed on active service in the field where promotion was certain;

but Mr. Davis, who knew his scientific attainments, was urgently in need of an officer to take charge of the ammunition department, and persuaded him to accept that position. He was placed at once on special duty in the Ordnance Department, and commissioned, July 10th, 1861, as Major of Corps of Artillery, on ordnance duty. Gunpowder was most urgently required; there were no powder-mills in the Confederacy, except an old one near Nashville, Tenn., and a small affair at Walhalla, S. C., neither of which were making powder, and all the stock on hand was that captured at the Norfolk Navy Yard, and some smaller quantities taken in some of the forts and arsenals, amounting in all to a few hundred thousand pounds, a portion of which was damaged. *Carte blanche* was given him as to choice of location and nature of works, and after a rapid survey of the country he decided upon Augusta as best adapted by its central position, and consequent safety, and also by its water-power and facilities for transportation. Not an hour was lost in commencing operations, and in the face of almost insurmountable obstacles, with but primitive appliances, and many of those improvised for the occasion, and everything to be commenced *de novo*, in seven short months was erected sufficiently for operation, the largest and most complete powder manufactory ever seen on this continent. No description of the size of the requisite buildings or mode of arrangement could be procured, hence the plans of the buildings and their dimensions, arrangement and location, as well as the machinery, were determined by Major Rains without assistance; the requisite facilities were wanting for the manufacture of almost every single article of the munitions of war, and expedients had therefore to be resorted to continually. Nothing, probably, contributed more to the success of the Confederate arms during that desperate struggle than the indefatigable energy and inexhaustible fertility of resources displayed by Major Rains in overcoming the difficulties which he had almost every day to encounter and circumvent in the production of the vast quantities of ammunition and arms of all kinds issued from the

government works at Augusta. The range of buildings stretched along the Augusta canal for two miles, and all the most recent improvements of the best English factories were reproduced and improved upon. The main building was 200 feet long, with wings at back, apparently making it 200 feet square, and was used for the manipulation and purification of saltpetre, sulphur and charcoal. In this building the machinery for pulverizing the ingredients was the invention of Major Rains, and proved most advantageous, as by its means he was able to make the gunpowder perfectly homogeneous and of great purity. A second large building, 200 feet long, formed twelve powder-mills, with a steam-engine of 120 horse-power in the centre, and an archway beneath containing the shafting for turning the great iron rollers in the powder-mills, and for communication with the boiler-house in the first building, 200 feet distant. Each mill consisted of two large iron rollers, weighing 10,000 pounds each, for grinding the materials. Between the two buildings was a handsome laboratory for the manufacture of nitric acid and fulminates. These three large buildings occupied a space of 500 feet along the canal, with a chimney 155 feet high, in the erection of which 250,000 bricks were used. At every 1,000 feet were other brick buildings, each one having its own specific part in the manufacture of gunpowder. The raw material entering on the canal at the lower end of the works, went through successive processes in each building until it was delivered as finished gunpowder at the magazine at the upper extremity of the works. Among other improvements Major Rains devised arrangements for steaming the gunpowder, thus much increasing its strength and value. Patents for his various inventions were taken out under the Confederate government, and he has repeatedly been applied to, since the war, to explain his improvements and to undertake the superintendence of other mills. This was the only powder factory in the Confederate States, and the largest single manufactory in the world. From it all the armies east of the Mississippi were supplied. The product was 10,000

pounds of gunpowder per day, working only by daylight, and never on Sundays: a much higher rate might have been reached had it been necessary. There were 70,000 pounds of powder on hand when the war closed, and the majority of it was sent to Fortress Monroe, where it was used in target practice and pronounced superior to all others. The chimney at the works was designed by Major Rains as an obelisk, of which the main building formed the base, and was intended to form the first permanent structure belonging to the Confederate government; after the war the main portions were purchased by the city, when the rest of the buildings were pulled down, but the chimney was reserved and devoted as a monument to the Confederate dead. In addition to the powder works, Major Rains had charge of the arsenal, where small arms, ammunition and field artillery were manufactured; and a foundry in the city for casting cannon, from which over one hundred twelve-pound Napoleon bronze guns and some iron rifle guns were turned out; and carriage and harness shops, so that batteries were supplied complete with every requirement needed except horses and men. Extensive machine-shops, in connection with the foundries, were largely used in the erection of the machinery for the powder-mills; and a prodigious number of shells of all descriptions, hand-grenades, torpedoes and almost every material of war were turned out from this foundry.

Major Rains, although so fully occupied with the superintendence of the powder-mills, devoted all the time he could spare to the development of the nitre caves in Tennessee, Alabama, Georgia, Arkansas and other Southern States. He found a lamentable ignorance of the proper mode of manufacturing the salt from the earth of the caves, and hence published a pamphlet, couched in very plain language, describing the process in detail, which was extensively circulated. He also sent out from the works instructed powder makers to Texas and Arkansas, who, under the direction of the military authorities there, assisted in putting up powder-mills in both States and so kept the trans-Mississippi armies supplied. The Confederate Secretaries

of the Army and Navy had purchased a large foundry at Selma, Ala., capable of casting cannon of large calibre, and half of the products were to be available for each department. Selma was chosen as the location because of its proximity to the finest coal and iron mines in the United States. The contract for the works was made with civilians, who were totally unacquainted with the requirements of such a factory, and several hundred thousand dollars had been expended with unsatisfactory results, when, in the spring of 1863, Lieutenant-Colonel Rains was called upon to assume the charge and bring the factory into working order. Much against his own wishes, his time being more than fully occupied by his duties at Augusta, he went to Selma, and dividing his time between there and Augusta, week by week, in a short time thoroughly reorganized the foundry, and when it was sufficiently completed for operation handed the direction over to Captain Ap Catesby Jones, of the Confederate navy, who had been second in command on the "Merrimac" when she made her celebrated attack on the Federal frigates in Hampton Roads.

On December 19th, 1863, a Board of Artillery Officers, consisting of Colonel Rains, Major William L. Bassinger and Major Barnwell, assembled at Augusta for the purpose of determining the proper charge for heavy guns and the highest allowable angle of elevation, and the exhaustive report drawn up by the Colonel was published.

He visited Charleston and Savannah to participate in the operations consequent on the expected attack of the enemy's fleet, and was with General Lawton at Port Royal when it was bombarded by the Federal squadron. In 1864 he received his commission as Colonel, and was made commanding officer of the military district between Atlanta and Charleston.

When General Sherman was on his march from Atlanta to the sea, it was supposed that he would pass through Augusta on his way, and in anticipation of that all the cotton in the city was stacked up in the centre of Broad street, making a continuous pile of cotton twenty or



thirty feet high, extending a long distance between market-house and market-house. General D. H. Hill, then in command, the intimate friend and classmate of Colonel Rains, had determined on firing this vast pile of cotton should the Federal troops show signs of marching on Augusta; and Colonel Rains, foreseeing the probable destruction of the city, should that design be carried out, used his utmost endeavors to dissuade the general from the project, at least until the troops should closely approach the city. The powder-mills, steam-engine and other important machinery were removed from the government works on trucks, and taken down the canal to the railroad depot, whence they were sent to Columbia, S. C., for safety. Fortunately for Augusta, the Federal army, on its march southward, passed by the city some twenty miles distant, and when all apprehension was dispelled the machinery was returned to the powder factory.

On the surrender of General Johnston and the proclamation of peace, Colonel Rains took down the last flag of the "Lost Cause," which floated over the Arsenal, and when General Upton, of the United States army, arrived in Augusta to take charge, handed over to him the whole of the Confederate buildings and material of war. Under the terms of peace agreed to between the two generals, the most amicable feeling existed, and on the departure of General Upton he informed Colonel Rains that he would send a company to take possession, whose officer should report to the Colonel. But, the original conditions of peace having been altered in the meantime, Colonel Rains vacated the Arsenal, and on the arrival of the Federal lieutenant with his company, he told him to assume the charge. Almost the whole of the employés had left the government works by this time, and but a handful remained, who were quite unable to prevent the mob from breaking into the buildings in the city and carrying off a large portion of the material. After this Colonel Rains remained about a year on the Sandhills, a suburb of Augusta, a part of the time as the guest of ex-Governor Jenkins and Mr. Baker.

The question of the overflow of the Savannah river, causing great devastation in Augusta at every considerable freshet, and its remedy, had long engaged Colonel Rains' attention, and a number of influential citizens, believing that if its practicability was demonstrated no delay would occur in the construction of the necessary works, asked him to make his views public through the press, and in response, July 23d, 1866, he developed an elaborate scheme, which, though dormant for many years, may probably yet be carried into effect when the finances of the city will admit of it.

In 1867 Professor Jones resigned his position as Professor of Chemistry and Pharmacy at the Medical Department of the University of Georgia, and left for New York, and on the 1st of March of that year the faculty elected Colonel Rains to the vacant chair, also conferring on him the degree of M. D. When the trustees of the Richmond County Academy deeded to the medical college the land on which it stands, an agreement was made by which the professor of chemistry in the college should become scientific lecturer to a portion of the higher pupils at the academy; accordingly Professor Rains, since his occupation of the chair of Chemistry, has also been scientific instructor at the academy, of which the trustees made him Regent. He was offered the position of Inspector of Fertilizers, but declined; after Dr. Hankinson was appointed to that office, he requested Professor Rains to act as analyzer, which he did for several years. In June, 1869, he was appointed by the Richmond County Agricultural Society to bring before the City Council the great importance of the water-power of Augusta to the future prosperity of the city, and in an able document, read before that body, he first advocated the enlargement of the canal, since so successfully carried out, as the best means of attracting capital and manufactures. Professor Rains is a member of the Board of Health of Augusta, of which Dr. Louis D. Ford is President, and Dr. L. A. Dugas a member. He has contributed largely to scientific literature, his contributions being scattered through the nu-

merous scientific and literary periodicals; when Assistant Professor at West Point, in 1845, he published "Practical Observations on the Generation of Statical Electricity by the Electrical Machine," and while at Newburgh a short popular treatise on the steam-engine, besides several pamphlets, during the war, on the nitre caves, experiments with projectiles, etc., etc. Professor Rains possesses remarkable originality of mind, with great perceptive and inventive powers; an omnivorous reader, with a marvellous faculty for assimilating the essence of the most advanced theories of modern thought, he has kept well abreast of the times in not one only, but every department of scientific knowledge, and, in his bold philosophic deductions from the most recent scientific discoveries, is far in advance of his time. In early life he was enthusiastically devoted to the profession of arms, his high courage, chivalric bearing and strict enforcement of discipline gaining him the respect and admiration of his fellow-officers, while his men were devoted to one who was never weary of attending to their interests and well being. His inventive faculties are of the highest order: while Assistant Professor at West Point he projected some valuable improvements in electrical machines, and while superintending the iron works at Newburgh, obtained numerous patents for improvements in the steam-engine; but it was while in charge of the Confederate Powder-Mills, at Augusta, Ga., that he showed the wonderful resources of a fertile brain. There, cut off from all outside intercourse, without plans or experience to guide him, he designed and erected the largest powder-mills in the world, and by improvements in machinery and processes of manufacture produced in unlimited quantities the finest gunpowder made on this continent. He displayed the wonderful fertility of his resources in the manufacture of almost every munition of war, and to him belongs the distinguished honor of having done more, in his unobtrusive way, for the success of the Confederate cause than any one except the great military commanders. He is a born instructor of youth, and, having a clear perception of what he

teaches, has a magic way of imparting knowledge to others that renders the most dry subject one of absorbing interest. With a mind of the highest culture, polished manners and fascinating address, he is a great favorite in the social circle, while his high sense of honor, sound practical sense, generous nature and sterling worth have endeared him to a host of warm personal friends.

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CAPTAIN J. H. CHAMBERLAYNE.

VIRGINIA.

**J**OHAN HAMPDEN CHAMBERLAYNE was born in Richmond, Va., June 2d, 1838. He was educated at the University of Virginia, where he graduated M. A. in 1858. He was engaged in tuition for a year, and was admitted to the bar at Richmond in 1859. On the 17th of April, 1861, he volunteered as a private soldier in the Twenty-first Regiment Virginia Infantry, and was afterwards transferred to the artillery, serving one year as Adjutant of battalion, and then promoted to Captain, commanding a light field battery. He was engaged in all the battles of the army of Northern Virginia except Malvern Hill and the Mine Run campaign. Just before the battle of Gettysburg he was taken prisoner, and exchanged May, 1864. Re-entering the army as soon as he reached home, he achieved an enviable reputation.

He commenced his career as a journalist in 1868, editing successively the *Petersburg Index*, from 1868 to 1873, the *Norfolk Virginian*, 1873 to 1876, and in March, 1876, established *The State*, in Richmond, Va. In 1873 he married Mary, daughter of the Rev. C. J. Gibson, D. D., of Petersburg.

The name of Chamberlayne appears on the roll of Battle Abbey, as does that of Daubeney, or Dabney, the name of Captain Chamberlayne's mother. The subject of this sketch, although a non-commissioned staff officer, achieved early in the war such a reputation for gallantry that he was chosen by General A. P. Hill, with whom

he was then serving, to receive the surrender of the Federal officer in command of Harper's Ferry at the time of its capture, in 1862, with 14,000 prisoners. But his chief distinction was won at the battle of the Crater, in front of Petersburg, in 1864, where, hurrying from a sick-bed to the scene of conflict, he took command of a field battery which had been demoralized by the flight of its officers, sternly ordered the men to their guns, and, turning them upon the enemy, contributed not a little to the great triumph of that eventful day. He was promoted to the Captaincy of that battery on the spot, and remained in command of it until the surrender at Appomattox. Refusing to surrender either with Lee or with Johnston, whom he had joined in North Carolina, he made his way to Mississippi, where he remained until he could safely enter civil life. His taste and natural aptitude well fitted him for war, and slow as his promotion had been, there is but little doubt that if the struggle had continued a few months longer he would have risen high in command, to a brigade or division of infantry, the arm of the service which he preferred.

His success in journalism was immediate and brilliant. Alike in Petersburg and in Norfolk, his reputation for point, vigor, and compression in thought, and for a certain finish and elevation in style was acknowledged on all sides. Single-handed in Norfolk, he began what seemed a wild and hopeless contest against Platt, the Republican member in Congress, and, to the amazement more of his friends than of his foes, overthrew him. During this contest he took the stump, and by his speeches as well as his pen contributed to the defeat of his antagonist and the election of Hon. John Good, who still holds the seat. While in Norfolk he was invited to deliver an address at the first celebration of Randolph-Macon College, at Ashland, and his theme, "Public Spirit," was handled with such boldness and force as to mark an epoch in Southern political thought. For the first time in our history the mirror was held up frankly to the ex-slave-holders by one of themselves, the

defects of their system shown without gloss or apology, and the fatal consequences pointed out as if the orator had stood in Exeter or Faneuil Hall instead of a platform in a Southern college. The address was loudly applauded by the audience, widely copied in all parts of the country and in Europe, and everywhere complimented.

A year or two later, Captain Chamberlayne delivered, in Richmond, an oration on the "Life and Character of General R. E. Lee." He had but four days in which to prepare the address, and yet by universal consent it was pronounced equal to any if not superior to all the many eulogies, orations, and discourses previously delivered upon the great commander. It is indeed a master-piece of analysis and of style, which gives the author a place that no one will hereafter question. In the summer of 1877 he delivered, in Fredericksburg, before the Educational Society of Virginia, an address on "Specialized Study," a theme which appealed to a very limited circle, but which the writer treated with the lucid precision and strength that characterized his previous efforts and marked him as a man of unusual breadth of knowledge and of varied accomplishments.

Chamberlayne's success in his last venture has been, if possible, greater than any former triumph. When he purchased the *Evening Journal* in the spring of 1876, its circulation did not much exceed 1,000, and its influence was in effect *nil*. In less than eighteen months its circulation had risen above 5,000, exceeding that of any other paper in the city; its influence and its standing are commensurate with its circulation. Captain Chamberlayne is eminently a man of the people in the sense in which his great namesake, John Hampden, was; but his faith in Republican institutions and his popular manners have never yet involved him in petty politics, from which he holds aloof, believing journalism to be his proper field and one in which his varied powers may be displayed to the best advantage as well for the public as for himself. It is but simple truth to say that no man of his age in Virginia has a future more promising than his, and it will be a most extra-

ordinary anomaly in the politics of his State if sooner or later he does not receive a call to some important public trust, a call which, as a good citizen, he will be compelled to heed. But for the present he is well content with his newspaper.

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DR. G. W. BAGBY.

VIRGINIA.

**G**EORGE WILLIAM BAGBY, journalist and lecturer, was born in Buckingham county, Va., August 13th, 1828. He is the son of a Lynchburg merchant, and was fitted for college at the Edgehill School, Princeton, N. J., then under the care of Dr. John S. Hart, afterwards Professor of Rhetoric and of the English Language and Literature in the College of New Jersey. In 1843 he entered Delaware College, Newark, Del., but left it at the end of his sophomore year and began the study of medicine, taking his degree at the University of Pennsylvania, Philadelphia, though he has never practised; the bent of his mind, as he early recognized, being strongly towards literature in general and journalism in particular. The medical title, however, has grown to be a familiar part of his name. He became, in 1853, editor of the Lynchburg *Daily Express*, and was for several years Washington correspondent of the New Orleans *Crescent*, the Charleston *Mercury*, and the Richmond *Dispatch*. Subsequently he contributed several papers to *Harper's Magazine*, including one entitled "My Wife, and My Theory About Wives," and to the *Atlantic Monthly* an article on "Washington City." In 1860 he succeeded John R. Thompson as editor of the *Southern Literary Messenger*, which he continued to edit until near the close of the civil war, being at the same time associate-editor of the Richmond *Whig*, as well as correspondent of the Charleston *Mercury*, the Mobile *Register*, the Memphis *Appeal*, and the Columbus (Ga.) *Sun*, besides contributing to the Richmond *Examiner* and the *Southern Illustrated News*. It is not surprising that the work which

he performed at this time, so extensive, various, and exacting, amounted to overwork, and seriously affected his eyes, the only wonder being that it did not disorder his whole frame, prostrating his health entirely. After all, however, his loss proved the gain of his countrymen, if not his own, for this excessive literary labor, apart from the extraordinary services directly proceeding from it, occasioned him, in 1865, to relinquish the tripod for the platform, on which he has exerted his fine powers with the best effect and achieved his brightest fame. As a lecturer, he is distinguished for delicacy of humor, force of pathos, and graphic power. Perhaps his most successful lectures are, "Bacon and Greens, or the Native Virginian," "Women-folks," "An Apology for Fools," "Humor and Nonsense," and "The Old Virginia Gentleman," the last of which was first delivered at Richmond in the winter of 1876-77, and is pronounced by competent judges his "very best production." It is certainly a marvel of just delineation, impregnated with exquisite humor and tinged with delicious pathos. His lecture on "The Virginia Negro, Past and Present," was prepared for the North, where he delivered it; but, the general subject being in that section considerably less popular in the lecture-hall than on the hustings, he failed sufficiently to interest his audience, and consequently soon laid the lecture aside. The truth is, the negro, although he once lent himself easily to the purposes of literary art, and no doubt will thus lend himself again, is just at present the subject of quite too little illusion, standing out as a naked fact, uncovered by so much as a shred of romance or a fig-leaf of picturesqueness. A better time undoubtedly is coming for this lecture, and when it comes may the gifted lecturer be here to improve it. Meanwhile, he may well content himself with the success which has crowned his other works, among the best known and most admired of which may be mentioned, in addition to those already specified, "The Letters of Billy Irvins to Mozis Addums," "What I Did with my Fifty Millions," and "Meekins' Twineses," the latter published in Richmond in 1877. For some

time past, undaunted by the reception in the North of his lecture on the "Virginia Negro," he has been collecting matter serious and comic adapted to illustrate the negro character, with a view to publication either in this country or in England, and, wherever and whenever he publishes it, a curious as well as instructive and entertaining book will be added to the literature of the time. Since 1870 he has been State Librarian and Assistant Secretary of State of Virginia. Dr. Bagby has never put his name to any of his works, hoping against hope that a time of leisure might come when he could devote himself seriously to a connected story of Virginia life as it was before the war of secession. He regards everything he has done, except perhaps "The Old Virginia Gentleman," as trifles. He is a man of courteous manners, and as genial and humorous in his daily walk and conversation as in his writings. None know him but to love him.

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DR. W. F. WESTMORELAND.

GEORGIA.

**W**ILLIS FOREMAN WESTMORELAND was born in Fayette county, Ga., January 1st, 1828, and is the son of Robert Westmoreland, planter, of that county. The Westmorelands are of English descent, three brothers of that name having come to this country shortly after the close of the Revolutionary war, and settled in Pennsylvania, Virginia, and North Carolina, a county in each of these States being named after them. Dr. Westmoreland is descended from the North Carolina branch of the family; his grandfather was a civil engineer, and was engaged in running the dividing line between Virginia and North Carolina westward to the Ohio river, through what was then a territory. For this service he was to receive a large grant of land in the new territory, the deed for which was duly executed but afterwards destroyed with other important documents in the burning of the State House of North Carolina, at Raleigh.

This large estate would now be extremely valuable, but his descendants, in the absence of the necessary legal documents, have been unable to establish their claim to it. Willis F. Westmoreland received his early education at the high school at Griffin, Ga., where he remained until 1846, when, being of an adventurous disposition, he left, and spent a year in travelling through Texas. He then returned to Georgia and commenced the study of medicine under his elder brother, Dr. John G. Westmoreland, and Dr. Caldwell, at Zebulon, Ga. From there he went to Augusta, where he entered the Georgia Medical College, attending the course of lectures in 1848-49. In the latter year he entered Jefferson College, Philadelphia, graduating thence in 1850. Among his classmates at Jefferson were Dr. William H. Pancoast, now Professor of Anatomy at that college, and Dr. S. Weir Mitchell, the distinguished specialist in nervous diseases, of Philadelphia. He commenced the practice of his profession in Fayette county, Ga., and in July, 1851, removed to Atlanta, where he remained until 1852, when he accompanied Dr. Paul F. Eve, then Professor of Surgery in the Medical Department of the Nashville University, to Nashville, Tenn., and studied surgery under him for eight months. In the winter of 1852 he went to Paris and remained there two years, attending the lectures of Velpeau, Nelaton, Rioux, Ricord and others. In 1854, while still in Paris, he was selected to fill the chair of Surgery in the Atlanta Medical College, and in the winter of that year returned to Atlanta, where he practised surgery, and in the winter of 1855-56 delivered a course of lectures on Surgery in that institution. In the summer of 1855, in connection with Dr. Samuel Logan, he established the *Atlanta Medical and Surgical Journal*, and has been more or less intimately connected with that periodical as proprietor and editor up to 1877, when he retired from the editorial chair. In September, 1856, he returned to Europe for further study, devoting his attention almost exclusively to surgery. While in Paris he was, as a private student, directly under the teaching of Dumas, oculist;

Robin, microscopist; and Verneille, surgical pathologist, besides attending the courses of Nelaton, Velpeau and Malgaine, from whom he received certificates. Among those who were studying in Paris at the same time may be mentioned Dr. Choppin, Professor of Surgery, New Orleans; Dr. John A. Murphy, Professor of the Practice of Medicine in Miami Medical College, Cincinnati, Ohio; and Dr. Miles, of the Baltimore Medical College. On his return from Europe in the summer of 1857 he entered actively into the practice of surgery in Atlanta, where he remained until the outbreak of the civil war, in 1861. In 1858 and 1859 he conducted a series of experiments upon the dog with reference to the ligation of arteries and the closing of wounds of the intestines with silver wire; by the successful closing of wounds in the abdominal aorta, and the removal of sections of the intestines, he demonstrated that this method was the best for treating all wounds of that description. These experiments were reported to the Georgia Medical Association, and a notice of them appears in the Transactions of the Association for 1859. When the war broke out he was appointed, by Governor Brown, Surgeon of the First Regiment of Georgia Volunteers, commanded by Colonel Ramsay; this regiment was the first to leave the State, and was ordered to Pensacola, Fla., where they remained until June 1st, when they were ordered to Richmond. On his arrival in Virginia, Dr. Westmoreland was detached from his regiment and ordered to the Tenth Georgia, then on the peninsula, where he organized and took charge of the William and Mary Hospital.

While in Atlanta, before the war, he had been Surgeon of a cavalry company, and when he joined the First Regiment it was with the understanding that if his old company should be ordered to the front he would join them. Accordingly, when they were organized as a part of Cobb's Legion and arrived in Virginia, he resigned his position as Surgeon in the Tenth and the charge of the hospital, and entered the ranks of his company. Soon afterwards, however, at the remonstrance of his friends, who

urged that he could do better service for his country as a surgeon than as a private soldier, he accepted a temporary position at the front with General Beauregard's army. About this time he was taken sick with the fever and returned to Atlanta on furlough. While still sick there, Fort Donelson and Nashville fell, and he was ordered by the Medical Director of the Department of the West to organize hospitals for the receipt of the sick and wounded of Johnston's army after the fall of the latter city. He remained on duty in Atlanta until shortly before the battle of Shiloh, when he was ordered to the front, arriving the day after that battle was fought. From thence he was ordered to Columbus, Miss., to organize hospitals for the sick and wounded of that army. He remained there until the organization of two hospitals was complete and the sick were cared for, and when, in July, 1862, the army was preparing to start on the campaign into Kentucky under General Bragg, he was ordered to prepare hospital accommodation for the sick at Atlanta as the base of that army, then at Chattanooga. While in charge of the Medical College Hospital, at Atlanta, he extended its capacity from time to time until it reached four hundred and fifty beds. At every approaching battle he was ordered to the front with the hospital corps to establish hospital accommodation on the battle-field, and though repeatedly urged to do so, always declined to accept an official position that would detach him from the practical duties of his profession. When the fall of Atlanta became inevitable he was selected to remain with such of the sick as could not be moved, and was left in charge of four hundred and twenty-five desperately wounded men who were not transportable. The apprehension of shortly falling into the hands of the enemy had a most depressing effect on the spirits of the men, they became demoralized, lost all hope, and many of them even the desire to live. On the first night thirty died, and on the following twenty-five more. Fearing that, unless something was done to raise the spirits of the wounded men and give them hopes of escaping capture, the greater part might die,

Dr. Westmoreland waited on the Medical Director of Hospitals, Dr. S. H. Stout, and asked permission to remove them beyond the reach of the Federal forces. He proposed to transport them to Milner, Ga., about sixty miles from Atlanta; and on gaining the required permission returned and put new life into his unfortunate patients, by telling them that he would day by day remove such as were capable of standing the transport until all were beyond the danger of being made prisoners. The moral effect was instantaneous, and many a poor fellow who had determined to die rather than fall into the hands of the Federals, took heart again and pronounced himself able to stand the journey. In the course of two weeks the men were by degrees all removed and placed under canvas in the woods near Milner, where there was ample water supply and no fear of surprise from Sherman's army; about ninety-five men were lost in all, and only some half a dozen who were utterly beyond hope were left behind in consequence of the impossibility of transporting them. Had not Dr. Westmoreland taken this humane and considerate course there is little question but that more than half the wounded would have died in despair. He remained at Milner until after the burning of Atlanta and Sherman had commenced his march to the sea. The hospital being thus left unprotected he was ordered to retreat to Albany, two hundred miles further south, where he established his hospital in tents for about six weeks, when he was ordered, with the entire hospital and equipage, to Columbus, Miss., a journey of about one thousand miles. The railroads were torn up by raiders, and the transportation of all kinds difficult and tedious in the extreme. Three weeks were occupied in the journey to Columbus *via* Mobile, the last two hundred and fifty miles, from Mobile to Columbus, taking one week to perform. He was compelled to leave the hospital at Columbus, but went himself on to Corinth, from whence he was ordered with the assistant surgeons to Franklin, Tenn., but finding it impossible to pass owing to the snow and rains he made his way back to Corinth. He then returned to the

head-quarters of the Medical Department at Macon, from whence he was ordered to Atlanta to gather up the wounded and establish hospitals of some kind. He arrived at Atlanta on 25th December, 1864, with his hospital corps, and opened a hospital in the Medical College, the only public building, used as a hospital, left in the city, and the same building that he had occupied before he left; remaining there until he was arrested in May, 1865. When the surrender became known, the populace and the disbanded soldiers considered themselves entitled to raid all public property, and everything was confusion, anarchy, and mob-law. This was the only hospital in Atlanta that contained any sick, and when in due course the mob attempted to plunder it, Dr. Westmoreland, by his adroit appeal to the sympathies of the returned soldiers on behalf of their sick comrades, saved it from pillage and preserved it intact to the last.

The war being over, and the whole of his property destroyed, Dr. Westmoreland had to commence life anew. He returned to the practice of his profession in Atlanta with an energy never before exercised; bare existence was all that could be hoped for, and to obtain even that taxed the utmost powers of the ruined people of the South. Atlanta was bankrupt and in ruins, and was inundated by an influx of negroes to the number of eight or nine thousand, while the white population scarcely exceeded one thousand. They formed a very dangerous element in society; with no means of support and no desire to work, their only means of subsistence was the rations issued by the Quartermaster's Department, and as a consequence robbery and outrage were of daily occurrence, and even life was not secure. Many murders were committed with impunity, and there being no law but military law the punishment of criminals, especially of the favored race, was all but impossible. Small pox broke out among the colored people huddled together in tents and hovels, scarcely protected from the weather, and about a thousand died from that and other diseases, and in many cases their bodies lay unburied and exposed to the public view for days together. The

white people of both sexes were arrested on the most trivial complaints from the negroes, to whom the military authorities allowed every license, and no man's life or liberty was secure. As numbers of people from the North began to settle in the city, matters improved somewhat, and early in 1866 a municipal government and civil laws were established, but not without many severe collisions with the dangerous negro element. In the summer of 1866 the Atlanta Medical College was reopened, and Dr. Westmoreland resumed his lectures as Professor of Surgery. For two or three years it was a life and death struggle with him, as with others, to support his family, but he was devoted to his profession, and gradually but surely, by conscientious and patient labor, acquired the most extensive practice as a surgeon in Georgia. In 1868 he went to New York for the first time since the war, and has continued to visit that city, and other important centres of the medical profession, once or twice a year ever since, for the purpose of keeping himself *au courant* with the advance in medical science.

During the war the surgeons in the army were, to a great extent, thrown on their own resources to obtain their necessary supplies, and were compelled to resort to many substitutes. Finding that in numerous cases the ligation of arteries by wire and otherwise terminated in sloughing and renewed hemorrhage, Dr. Westmoreland introduced the use of the muriated tincture of iron, and demonstrated that secondary hemorrhage of the largest arteries—the femoral for example—could be arrested by saturating them with the tincture. After he began to use it during the war, he never lost but one case by the application of the tincture, and in that case it was impossible to reach the artery with the iron. He has since conducted a series of experiments on the dog, in which he clearly proved that hemorrhage from even the largest arteries could be arrested by this agent, and reported his results in a paper to the Georgia Medical Association in 1871. He has devoted much attention to genito-urinary disease, more particularly urinary calculus and stricture. On

the former, of which he has performed sixty-one operations with but five deaths, he published in 1874 a paper, read before the Georgia Medical Association, in which he gives a synopsis of thirty-seven cases, the great majority of which were treated by lateral lithotomy, of which three only were fatal, and two of those above sixty years of age, undertaken at urgent request and against his own judgment. In 1874 he published a paper, read before the Atlanta Academy of Medicine, on "Immobility or Closure of the Jaw," with report of cases, in which he demonstrates the possibility of a complete cure in a class of cases regarded by many as incurable, and presents to the profession a screw-gag which he has constructed to meet the indication more perfectly than any now in use.

Dr. Westmoreland has been a member of the Georgia Medical Association for twenty-five years, and was its President in 1873; he has been a member of the American Medical Association for the past fifteen years, and was elected first Vice-President in 1878; and has been Professor of Surgery in the Atlanta Medical College since its organization in 1855. He also teaches Clinical Surgery at the college, and the large number of poor people, especially colored, in Atlanta makes it a very extensive clinic. As a surgeon, Dr. Westmoreland is without an equal in his native State, while in the neighboring States of Alabama, Tennessee, Florida and South Carolina his name is a household word. His remarkable judgment and skill in surgery, his masterly diagnosis, and the boldness and originality of his operations manifest a natural talent that is exceptional. He has added largely to the science of surgery, and is unusually thorough in his investigation of disease. He is noted for undertaking cases that none others will attempt, and his marvellous success in cases of fibro-cystic tumor, etc., etc., stamp him as a genius of the highest order. As a medical philosopher, he may be classed among the very foremost, and he has done more to develop new ideas than any man in his section, while his inventive powers have found scope in the production of a new urethrotome and other surgical







*Mr M Johnson*

appliances. Enthusiastic in his devotion to his art, he has taken no active part in public affairs, although there are few men better posted on the topics of the day, and shrewder judges of the current of public opinion. Fearless and independent, he has many opponents, but he is beloved by his patients and students, and his noble character, warm heart, and sympathetic nature, have endeared him to hosts of warm friends. He married, October, 1857, Maria J. Jourdan, daughter of Hon. Warren Jourdan, formerly State Senator of Gainesville, Ga.

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HON. R. C. L. MONCURE.

VIRGINIA.

**R**ICHARD C. L. MONCURE was born, in the year 1805, in the county of Stafford, Virginia, where he has permanently resided. His ancestry were Scotch and English people, who migrated in early Colonial times to that part of the Old Dominion, and they, with their descendants, have won an honorable reputation for all civil and domestic virtues. His great-grandfather was a clergyman of the English Church, who had charge for many years of the parish of Over Wharton. The scholastic training of Judge Moncure was not a highly favored one, being confined to the instruction afforded by the local schools and his private reading; but he improved these limited opportunities, and by force of his steady intellect and will, and faithful study, obtained admission to the bar in the year 1825.

His clear and vigorous mind, aided by constant study and conspicuous energy in all engagements, soon won him a place in the front rank of his profession; and he practised with marked success in the courts of Fredericksburg and the neighboring counties, and the Supreme Court of Appeals at the city of Richmond, the capital of the State. He never sought political office or employment, and only consented to assume such public trusts when the people of his county pressed him into their service in the State

Legislature, and at a time when the revision and enactment of a code of laws by the State was undertaken by the Legislature. In this important public work, Judge Moncure rendered very valuable services to the State. His reputation for large and accurate legal learning, careful and thorough investigation, impartial temper, and incorruptible integrity, had become so established in the year 1851 that he was then elevated by the Legislature to a seat on the bench of the Supreme Court of Appeals of Virginia. During all the mutations and sharp vicissitudes of political affairs in Virginia which have occurred since 1851, Judge Moncure has been continued in this exalted and responsible office by successive elections at the hands of the Legislature and of the people, save only during the hiatus in the civil government when the courts of the State were constituted and controlled by military authority.

By the common testimony of the law and the people, his long judicial career has been marked by every attribute of the learned, laborious, able, and just judge. And though the frosts of seventy-two winters have placed the hoary crown upon his noble brow, he is still rendering valuable service to the State as the Presiding Judge of the court, honorable and beloved throughout the limits of the Commonwealth.

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DR. J. M. JOHNSON.

GEORGIA.

**J**OHAN MILTON JOHNSON was born in Livingston county, Ky., January 15th, 1812. The Johnsons are of English descent, Dr. Samuel Johnson, the great English lexicographer, having been a near relative of the family. James Johnson came to Maryland, in 1634, with Lord Baltimore, as manager of the extensive estate of Dr. Madden, and his descendants removed first to Virginia, and subsequently to Kentucky, while members of the family may be found in North and South Carolina. James Johnson, the grandfather of the subject of this sketch, was an officer

of the old Virginia line in the Revolutionary war, and his wife's sister married Colonel Polk, the author of the Mecklenburg declaration of independence. James Johnson, son of the preceding, and father of Dr. John M. Johnson, was a soldier in the war of 1812, and subsequently, having practised medicine for many years, became a Presbyterian minister. J. Neely Johnson, a nephew of James Johnson, was Governor of California in 1855-56. John M. Johnson, having received his early education in the schools of his native county, commenced the study of medicine at fourteen years of age under Dr. William Miller, of Madisonville, Ky., a physician of great skill and reputation, and, in 1828, entered Cumberland College, Ky., where he remained twelve months, and then resumed his medical studies until his nineteenth year. In 1832 he began the practice of his profession in Davis county, Ky., where he remained until 1844. In 1837 he was elected to the Kentucky Legislature, serving two years. At the death of his father in 1837 he removed to Caldwell county, Ky., to take charge of the paternal estate, undertaking at the same time the education of his four brothers, of whom James L. Johnson was afterwards a member of Congress and subsequently Judge of the Supreme Court of Kentucky; Richard W. Johnson is now a Major-General in the United States army and stationed at St. Paul; and William S. Johnson is a physician of Caldwell county, Ky. His father had by his will liberated more than forty of his slaves on condition of their emigrating to Liberia, but left no provision for paying their passage over. The negroes were unable to comply with the condition, but Dr. Johnson, much to his honor, acted up to the spirit of the will, and, dispensing with the stipulated conditions, with the consent of the other legatees, gave all the negroes their liberty. He still continued the active practice of his profession, and, in 1853, removed to Paducah, McCracken county, Ky. In 1859 he was elected to the State Senate of Kentucky, serving two years. When war became imminent he took the Southern side of the question, and, having been on intimate

terms with President Lincoln, was compelled to vacate his seat in the Senate and fly to the Confederate borders to escape a warrant for his arrest which had been issued by the President as a friendly measure to prevent his casting in his lot on the side of secession. Before leaving he was offered a bribe of \$125,000 if he would in his place in the Senate announce his adhesion to President Lincoln's policy. Arrived at Bowling Green, where General A. Sidney Johnston was in command, he telegraphed to Richmond, and the Confederate Secretary of War at once sent him his commission as Surgeon in the Confederate army. General Albert Sidney Johnston ordered him to duty at Nashville, where he was placed in charge of the first hospital there, and at the fall of Fort Donelson he was made Post Surgeon at Atlanta, where he had 5,000 wounded soldiers from the battle-fields of Virginia under his care. His wife dying in August, 1862, service at this post became distasteful, and he resigned and went into the field as Medical Inspector of General Buckner's division, then on the march to Kentucky under General Bragg, and made the campaign and retreat through Cumberland Gap to Knoxville, Tenn. He was then appointed Chief Surgeon of General P. R. Cleburne's division, serving nine months in that capacity and participating in the battles of Perryville, Dug Gap, Liberty Gap, and Murfreesboro, fought on the last day of December, 1862. After wintering in Tennessee they, in the following July, retreated to Chattanooga, and from there went into Mississippi, General Hardee having relieved General Joseph E. Johnston of the command. Again joining the Army of Tennessee at Chattanooga, they took part in the battle of Missionary Ridge and then retreated on Dalton, near which was fought the battles of Rock Face and Ringgold Gap, the latter a most decisive action. A series of skirmishes followed as they fell back on Atlanta, where Dr. Johnson resigned his commission. The reasons for this step, in justice to Dr. Johnson, may be here briefly stated. Dr. David W. Yandell was at that time Medical Director to General J. E. Johnston in Missis-

Mississippi, whither he had been ordered to relieve Vicksburg, then besieged by General Grant, while Dr. Johnson was Medical Director to General Hardee. Some severe reflections having been cast by President Davis' administration on General J. E. Johnston for failing to raise the siege of Vicksburg and thus relieve General Pemberton, Dr. Yandell wrote a voluminous and exhaustive letter to Dr. Johnson entirely exculpating the General and casting the whole blame on the administration at Richmond. This letter, written with all the charm of Dr. Yandell's well-known literary skill, was shown in confidence to Mr. Robert McKee, then editor of a Chattanooga newspaper, who, during Dr. Johnson's temporary absence from his marquee, extracted the salient points of the letter and afterwards published them in his journal. Such an able and complete defence naturally much gratified General Johnston's most intimate friends, and several copies were sent to the Confederate capital and in due course found their way into the hands of President Davis. Inquiries having been instituted, the channel through which the information had been obtained was soon discovered, and the result was that Drs. Yandell and Johnson were ordered to report themselves to General Kirby Smith's command, then in Texas. Dr. Johnson, being unwilling to accept this practical banishment, preferred to resign his commission. He was subsequently offered the position of Medical Director in General Polk's command, and also a position on the Peace Commission sent by President Davis to Canada, but refused both. After the close of the war he settled down in Atlanta and commenced afresh the practice of his profession, to which, and the study of Medical Philosophy, he has since exclusively devoted his attention. He was Professor of Philosophy and Pathological Anatomy in the Atlanta Medical College from 1868 to 1872, and is a member of the Georgia Medical Association, and of the Atlanta Academy of Medicine, of which he was President in 1875. Dr. Johnson was the first to prepare and use what is popularly known as Saccharated Calomel, upon the application of which he wrote an

extended treatise. The process consists in the comminution of the calomel by triturating it with milk-sugar and hard loaf-sugar, equal parts, for thirty minutes or longer, or until the molecules of the calomel are completely separated. Upon entering the stomach these molecules are absorbed at once with the sugar, and enter the circulation with ease, as they are smaller than the blood corpuscles. Thus by the presence of the calomel in the liver and other excreting organs, half a grain is made to produce the effect that ten or twenty grains were employed to accomplish before this discovery. Dr. Johnson was also the first to employ the Muriated Tincture of Iron for the radical cure of Fluor Albus and uterine ulcerations, and is the only physician in the world who has cured Membranous Dysmenorrhœa, as may be seen by examining the literature on that subject. He denounces Gynæcology as taught and practised at this day as a fraud and villany, and is of opinion that it should be punishable by law. He has introduced cotton and wool pessaries with great success, and discards all others, believing the time to be at hand when none other will be used. Among his contributions to medical literature may be mentioned treatises "On Dysmenorrhœa," "On the Use of Muriated Tincture of Iron in Fluor Albus and Uterine Ulceration," and "On Wool and Cotton Pessaries."

Dr. Johnson is a gentleman of great purity of character, kind-hearted to a fault, and a good man in the best sense of the term. Extensively read and well cultured, his intellectual powers are above the ordinary range. As a physician, he ranks with the foremost in Atlanta, is remarkable for his devoted attention to and sympathy with his patients, gaining their confidence by the deep interest he takes in their welfare—as much the friend as the medical adviser. Of a strong and robust constitution, and at an age when many men consider themselves entitled to take their ease, he conducts unaided a large and laborious practice with a vigor that many a man twenty years his junior might envy. His friends say that he has but one weakness: that of paying more attention to the cure of his patients

than to the adequate remuneration for his arduous services, and this reluctance to claim his legitimate reward has sometimes resulted in great injustice to his family. Having built a house, which exhausted all his immediate resources, he became involved in some trouble as to the payment for the land upon which it was erected; the time was one of great financial depression, and he applied to all his friends for assistance in vain. Discouraged and hopeless, he was endeavoring, with Christian resignation, to reconcile himself to the loss by enforced sale of the whole of his property, when a noble offer of help came from a totally unexpected quarter. Governor Joseph E. Brown, an old and valued friend of the doctor's, seeing a notice of the intended sale, at once, with a generous and delicate liberality peculiarly his own, advanced, unsolicited, the large sum, \$5,500, necessary to pay the claim and preserve the property to Dr. Johnson's family; such an instance of unostentatious generosity to one to whom he was in no sense under any obligation, deserves the grateful remembrance which Dr. Johnson will ever retain of Governor Brown's disinterested action.

Dr. Johnson has been twice married: first, in 1830, to Elizabeth Earl, daughter of John Earl, of South Carolina, who died in 1862; second, in May, 1864, to Mrs. Mary W. Erwin, sister of Hon. Howell Cobb, Secretary of the Treasury in President Buchanan's administration, and of General T. R. R. Cobb, who fell in the battle of Fredericksburg. He has six children. His son, John M. Johnson, who is an ardent student of natural history, and possesses great talent as a sculptor, is engaged in the State Survey at Sacramento, Cal. His eldest daughter is the wife of Dr. J. S. Byers, late of Atlanta, a nephew of General Albert Sidney Johnston; the second is married to General George B. Cosby, formerly of the United States army, and now Assistant State Engineer at Sacramento, Cal.; Mrs. Cosby has a great natural talent for sculpture; she is entirely self-taught, and some of her busts display real genius; a third daughter is the wife of Colonel Edward R. Weir, Jr., formerly of the volunteer army.

W. H. H. TUCKER, Esq.

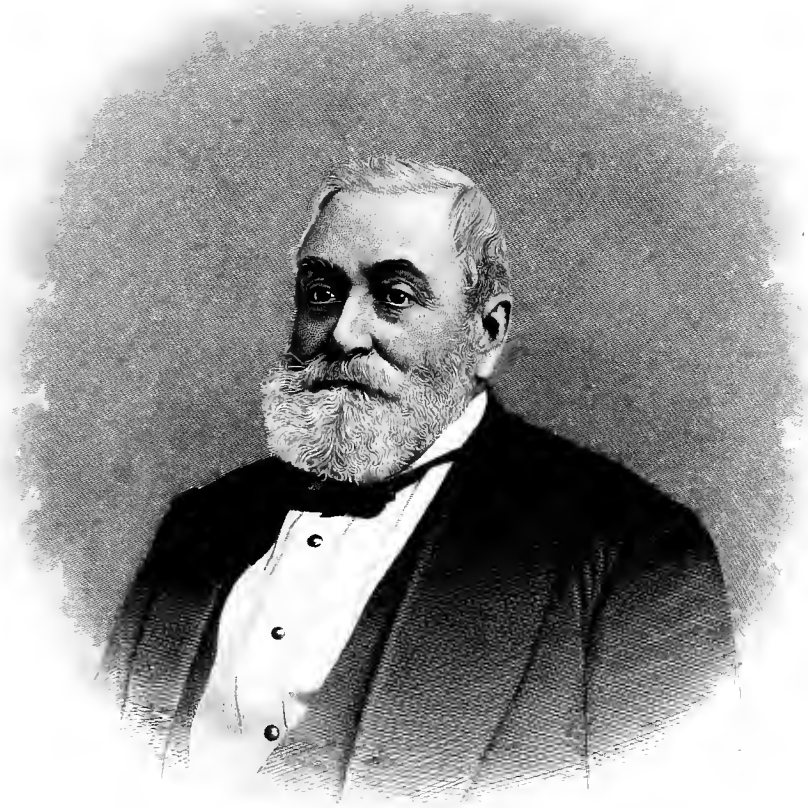
NORTH CAROLINA.



WILLIAM HENRY HAYWOOD TUCKER was born in Raleigh, N. C., June 17th, 1822. His grandparents were natives of Virginia, from which they removed, about the year 1790, to Wake county, N. C. He is a son of Ruffin Tucker, who began life as a clerk in the store of Southey Bond, at Raleigh, in 1815, with a salary of twenty-five dollars for the first year, and three years later went into business with his brother, William C. Tucker, the partnership continuing until 1828, when it was dissolved, and each prosecuted a successful business on his own account. His mother, Lucinda Marshall Tucker, was a daughter of Joel Sledge, a wealthy farmer of Franklin county, N. C. He was prepared for college at the Raleigh Academy, a well-known educational establishment of those days, under the direction of L. B. Johnson, and in 1838 entered Randolph-Macon College, Virginia, where he only studied for a portion of the course.

Returning to Raleigh he took a position in his father's establishment, in May, 1839, serving first as clerk, and afterwards as salesman, until 1846, when he was taken into partnership, and thereafter conducted with his father a prosperous business till the death of the latter, in April, 1851. He then took into partnership with him his two younger brothers, J. J. W. and Rufus S. Tucker, under the firm-name of W. H. H. & R. S. Tucker, and prosecuted his business with steadily increasing prosperity until the blight of the civil war fell upon the South. In the dark days of that conflict his house gradually contracted its business, and finally suspended it altogether for a period of two years, during which the members, still associated, engaged in banking and brokerage, starting also, in 1862, a grist-mill, which they ran for some three years. At the close of the war they resumed the dry-goods business, which they have since pursued with signal success to the present time.

In 1866, though the year was one of great



*W. H. A. Tucker*









*R. P. Puck*

depression and even despondency throughout the business circles of the South, his establishment set an example of enterprise that has contributed in no small measure to the commercial importance of the capital of the Old North State, erecting in that year the building known as Tucker Hall, the largest and most important mercantile structure in Raleigh, and the only building suitable for dramatic representations. This edifice, occupying the site upon which his father and uncle set up business together half a century before, is of brick, three stories high, with an iron front, forty-three feet in width, on Fayetteville street, and running back one hundred and twenty feet. The first story, or store floor, appropriated to the business of the proprietors, is one hundred and seventeen feet by forty, with a height of fifteen feet, and is furnished in a style that would not discredit those cities whose merchants are princes and do business in palaces. The two upper stories, forming the hall proper, contain a theatre capable of seating twelve hundred people, and having a gallery, stage, saloon and dressing-rooms. It is used not only for theatrical representations, but for concerts, lectures, balls, and social assemblies of other descriptions. On the occasion of its opening, in 1867, the Hon. David L. Swain, LL. D., formerly Governor of the State, delivered an interesting address, entitled, "Early Times in Raleigh," full of incidents connected with the history of the city from ante-revolutionary times down to the present. The erection of this building by his firm, as already intimated, has had a stimulating effect on the other leading members of the business community, many of whom, in a spirit of generous emulation, have since erected handsome edifices. He has been all his life strictly a business man, finding but little time to attend to any business but his own.

For some fifteen years previous to the civil war he was a Colonel of militia; but, with this exception, he has held no office, civil or military. His whole energies have been employed in building up the establishment of which he is the head, now the most extensive of its kind in

the State. In the course of this employment he has made no less than one hundred and eleven trips to the city of New York. He has also made two voyages to Europe, the first in 1873, when he visited Great Britain and the Continent, combining business with pleasure; and the next in 1876, when he escorted his three nieces, the daughters of his brother and partner, R. S. Tucker, on an extended continental tour.

He is a man of high character, honest and upright, kind and liberal to the poor, with fine social qualities, and by thoroughly acting up to the golden maxim of "minding his own business," has won the respect and esteem of his fellow-citizens, and by his enterprise and liberality has shown that he has the welfare of his native city and her inhabitants at heart.

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R. S. TUCKER, ESQ.

NORTH CAROLINA.

**R**UFUS SYLVESTER TUCKER was born in Raleigh, April 5th, 1829. He is the third son of Ruffin Tucker, and brother of the subject of the foregoing sketch. Like his brother, he was prepared for college at the Raleigh Academy, then under J. M. Lovejoy, a gentleman of Northern birth, and, in his day, one of the most noted teachers in the State. In 1844 he entered the University of North Carolina, from which he graduated in 1848, having among his fellow-collegians Johnson Pettigrew, afterwards a general in the Confederate army, and M. W. Ransom, now United States Senator from North Carolina, and among his class-mates Victor C. Barringer, at present a Judge under the Khedive of Egypt, and Seaton Gales, since editor of the Raleigh *Register*. On leaving the university, he entered the mercantile establishment of his father and brother at Raleigh, serving as a clerk until 1851, when his father died, and he became the partner of his two brothers. At the beginning of the civil war, in 1861, he was appointed by

Governor Ellis Quartermaster and Commissary at Raleigh, but in the latter part of that year he resigned the appointment, and raised an independent company of cavalry, of which he was elected Captain. His company joined the Third Regiment of North Carolina cavalry, composed of ten independent companies, and went into active service in the eastern part of the State. He remained with his regiment, principally in the neighborhood of Newbern and Washington, until the fall of 1862, when he was promoted to a majorate, and assigned to the staff of Adjutant-General Fowle, and subsequently to that of Adjutant-General Gatling. In the winter of 1862-63 he was elected Chief Clerk of the House of Commons of North Carolina, the duties of which office he performed until the close of 1863. For the past twenty years he has taken a leading part in the affairs of his native city, to whose interests he is zealously devoted, and to the advancement of which he has brought the skill and energy of the business man united with the liberality and enlightenment of the scholar. He was a Director of the North Carolina Railroad Company for many years, including the period of the war, and is now a member of the Committee of Inspection of the Raleigh and Gaston Railroad Company. He was also for many years a Director of the Raleigh National Bank, resigning the position only a few years ago, and is at present a Director of the National Bank of Newbern. He is and has been for eighteen years a Director of the North Carolina Institution for the Deaf and Dumb and the Blind, and during the last three years has been the President of the Board. This admirable institution has now been in existence for thirty-two years. It provides for the education, free of charge, of the deaf and dumb and the blind youth of the State, of both sexes and both races, equal provision being made for the white and the colored children, although in two separate departments, located in different parts of the city, under the management, however, of the same Board of Trustees, the annual cost of the two establishments amounting to about forty thousand dollars. The average attendance for the past few years has been two

hundred and ten, and the methods of instruction, as well as the appointments, are the most recent and improved. He is a member of the Protestant Episcopal Church, and a vestryman of Christ Church, Raleigh, which he represented in the diocesan convention at Charlotte in 1877, and of which the Rev. Dr. Marshall is the rector. He is an active and energetic member of the firm in which he is a partner, which may fairly be classed among the institutions of the city. No small part of the net proceeds of this large business has been invested from time to time in real estate in the city in which it is carried on, until the firm is to-day the largest holder of real estate in Raleigh. They have also taken a prominent lead in building operations in the city, of which the elegant villa residence of Major Tucker on Hillsboro street and the Tucker Hall on Fayetteville street are noteworthy examples. In private he is courteous, hospitable, and liberal, with fine social qualities, and withal a keen love for the sports of the field, in which he is remarkably skilled, having the reputation of being one of the best shots at a partridge in the State. He married, in 1856, Miss Florence E. Perkins, daughter of Churchill Perkins, of Pitt county, a man of prominence in the eastern portion of the State, and at one time the most extensive manufacturer of turpentine in the United States.

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HON. R. M. SIMS.

SOUTH CAROLINA.

**R**OBERT M. SIMS was born December 28th, 1836, in Fairfield county, S. C. The Sims family came originally from Virginia, his great-grandfather being the first to settle in South Carolina; his father, Dr. James M. Sims, was a well-known physician and landed proprietor of Union county, S. C., and took an active part in the nullification question. His mother, Ann Lee Johnson, was a daughter of a merchant in Lancaster county, and her mother was a Lee from Camden, S. C. His early education was

received at the Franklin Academy, in Lancaster county, under the direction of A. L. Crawford, a well-known preceptor of that day, until 1853, when he entered the State Military Academy, at Columbia, known as the "Arsenal," where he remained one year preparatory to entering the more advanced department of the same institution, the "Citadel," at Charleston, from whence he graduated in the latter part of 1856. Among his cotemporaries at this famous military college were General E. M. Law, now of Alabama; Major James L. Coker, afterwards a distinguished officer in the Confederate army; Captain Hugh S. Thompson, now Superintendent of Education for South Carolina, and John F. Lanneau, President of the Female College at Tuscaloosa, Ala. After leaving college he purchased some land from his father's estate, and commenced planting, which he pursued with considerable success until the passage of the ordinance of secession, when he took part in raising troops from his native county, and joined his company, the Lancaster Grays, Second Regiment, under General (then Colonel) J. B. Kershaw, April 8th, 1861, then on its way to Fort Sumter. In the early part of July, 1861, they were ordered to Virginia, and during the following year he served as Orderly Sergeant; at the expiration of that time, the company failing to re-enlist, he joined Company B, and was elected First Lieutenant. He participated in the seven days' fight around Richmond, the second battle of Manassas, Ox Hill, Bainsboro Gap and Sharpsburg (Antietam), at the latter of which he was wounded. The regiment was badly cut up at Fraser's Farm, and was well-nigh decimated at the second battle of Manassas, and he was the only officer with his company during the whole of that Maryland campaign. In the fall of 1862 he was promoted to Captain and Adjutant-General on the staff of Brigadier-General M. Jenkins, and served at Fredericksburg. In 1863 they were ordered into Tennessee with Longstreet's corps, and joined General Bragg, participating in the battle of Chickamauga, and during the night fight in Wills Valley he was painfully but not dangerously

wounded. From thence they proceeded to Knoxville and through the East Tennessee Valley to join General Lee, whom they reinforced just previous to the battle of the Wilderness in May, 1864. Brigadier-General Jenkins was in command in East Virginia and North Carolina during the early summer of 1863, and Colonel Sims remained on his staff until the battle of the Wilderness, where he was killed, in May, 1864; he remained with the brigade, afterwards under General Bratton, until the summer of 1864, when he left to join General Gary's brigade of cavalry as Adjutant and Inspector-General during its defence of Richmond. He was then transferred to General Longstreet's staff as Adjutant and Inspector-General of the First Corps, and served in that capacity until the surrender at Appomattox, and had the distinguished honor of carrying the last flag of truce from General Lee to General Grant, the last episode in the eventful struggle. He never sought promotion, each step being the reward of distinguished merit, and he was entitled to the rank of Major or Lieutenant-Colonel, according to the interpretation of the two Staff Bills, and his commission was actually made out at Richmond, but owing to the confusion existing at the last, was never forwarded to him. After the close of the war he was elected a delegate to the Perry Convention of 1865, composed of the best elements of the intelligence, wisdom and conservatism of the State, which framed a new Constitution, providing, among other things, for a District Court for the trial of petty larcenies, a tribunal hitherto unknown in South Carolina, for which a code of laws was prepared; it was proposed and privately discussed by Governor Perry and the best men of the State, that the negroes should have a qualified suffrage, but the action taken by the Congress of the United States put a stop to further action.

Early in 1868 D. H. Chamberlain, Corbin and others held a convention, at which the present Constitution of the State was framed. During this period Colonel Sims devoted his attention to planting, and in 1868 was elected

State Senator on the Democratic ticket for Lancaster county, and held that position for two years; and in 1873 he was elected Intendant of Rock Hill. Previous to the campaign of 1876, the plundering of the State by shameless villany had reached such a pitch that the only hope for the future of the State rested on a strong and determined effort being made by honest men to wrest the government from the thieves. It had become in fact less a political than a moral question—it was the fight of honest men against thieves. Many of the staunchest Democrats, however, doubted the possibility of electing a “straight-out” Democratic ticket, and were disposed to compromise by supporting some of the more unobjectionable of the Republican party. The good sense and patriotism of the majority of the party, however, prevailed, and it was felt that, if they would but be true to themselves and spare no effort to vote their full strength, a Democratic ticket composed of none but honorable and tried men must be successful even against unblushing frauds practised by the Election Commissioners, and a ticket was accordingly selected with Wade Hampton for Governor and Robert M. Sims for Secretary of State. It is impossible to describe within the limits of this sketch the excitement and enthusiasm everywhere displayed, and the untiring energy and self-devotion displayed by all—it was more a revolution than an election campaign—the overthrow of all that was venal and corrupt by the best conservative elements of the State—the good sense and moderation displayed by all engaged, in the face of gross provocation, was beyond all praise, and resulted in the complete victory for the cause of law and order, and in the defeat of a system of bare-faced political profligacy and plunder which had long been a lasting disgrace to the State. The whole ticket was elected by majorities varying from 600 to 1,273. In consequence of the protracted delay caused by the claims of the pretended Chamberlain Government, and the delay of President Hayes in recognizing the Hampton Government, it was 1877 before Colonel Sims could take possession of the Secretary’s office, which he has

since continued to administer with much satisfaction to the public and great credit to himself. To his energy and zeal is largely due the laying out of the grounds of the capitol at Columbia, he having induced the Legislature to make a suitable appropriation by which the services of one of the most experienced landscape gardeners in the United States were secured for the purpose, and Colonel Sims has personally superintended the operations which have turned what was formerly a barren waste into a beautiful garden.

He has always taken great interest in agriculture, and was for many years one of the executive members of the State Agricultural and Mechanical Society, and was appointed a member of a committee to open negotiations with the different agricultural societies in the Northern States.

He is an enthusiastic horticulturalist, and has recently organized a State Horticultural Society, of which he is the President, and has given much attention to the cultivation of fruit, especially peaches, for the early Northern markets, of which he has sent thousands of crates during the past season of his own growing, and his example is being largely followed by others, so that quite a new industry has been developed around Columbia in this direction, the climate being the finest possible for the purpose. He has published some practical essays on fruit culture which have met with a want long felt amongst the fruit-growers in South Carolina. He has a large circle of warm personal friends, to whom his manly, truthful and generous disposition has endeared him, and his devotion to principle and straightforward, impartial official conduct has made him deservedly popular with men of all shades of political opinion.

He has married twice—first, in July, 1857, Kate C. Lucky, daughter of William Lucky, planter, near Charlotte, N. C., who died in 1867; and again, in 1868, to Ada W. Sims, daughter of Colonel James T. Sims, planter and merchant, of Columbia. His eldest son, Robert E. Sims, is at present a student of the King’s Mountain Military Academy at Yorkville, S. C.

## ALLEN YOUNG STOKES, Esq.

## VIRGINIA.

**A** LLEN YOUNG STOKES, one of the most successful and substantial business men of Virginia, is the son of the late Sylvanus Stokes, of Caswell county, N. C. His father was an influential farmer, and was highly respected in his section of the State as a man of sterling qualities, and whose ambition was to bring up his family to be useful citizens. Mr. Stokes was born in Caswell county on 25th day of April, 1819, and is therefore in the fifty-ninth year of his age. In early life he was placed at school under the care of the Reverend Elias Dodson, at that time pastor and spiritual guide to the people of his county, who was a man of marked character, possessing the most remarkable memory for names, dates, and events running back during the last fifty years, and was withal a most devout Christian, and by his walk and conversation laid the foundation deep and strong in the minds and hearts of his scholars, and in many instances the good effects can be seen even at this late day. When a youth of nineteen years he started out on the voyage of life, with no other capital than firm and fixed honest principles, resolved to deal fairly with his fellow-man, having the good honest motto ever before his mind, "to do unto others as you would have them do to you," and with this guide he has realized the most sanguine expectations, and is now reaping the reward of his well-spent life, enjoying the comforts of home-life and honored by his fellow-citizens. His business career was commenced in the town of Danville, Virginia, by entering while yet a boy into a copartnership with Mr. Dickinson—the firm-name was Dickinson & Stokes. This business arrangement was not a success, and the subject of this article found himself, before arriving at the age of twenty-one, heavily involved by several thousand dollars, more than he was worth. The early principles ingrafted upon his mind made him resolve to pay the full amount of the firm's indebtedness, both principal and interest, although he

had to work on a salary to accomplish the end. Such conduct on the part of an unsuccessful merchant now-a-days would sound strange, as the Bankrupt Court, with its complicated machinery, is now resorted to as the means of paying honest debts. Not having met with the success he hoped for in Danville, in the year 1845 he removed to Richmond and entered, as salesman, the extensive wholesale dry-goods house of Wadsworth, Turner & Co.

Mr. Stokes proved himself a competent salesman, bringing to his business an affable manner and always representing the goods he sold in such a way as to secure the friendship and retain the customer, and this can only be done by honest and faithful dealings. During his engagement with this house he had a good opportunity of forming a wide acquaintance with merchants of North Carolina, Virginia and Tennessee, and adjoining States, and the friendship formed in those days continues up to the present time.

While living with Wadsworth, Turner & Co., Mr. Stokes, like most young men, felt it was not good to be alone, and after the most careful consideration, he was favored by one of the most accomplished of Virginia's far-famed daughters, Miss M. M. Pickett, daughter of General Pickett, of Richmond. The name of Pickett stands among the most honored in the State, and this lady who has become his life-partner is in every way fitted to reign in the circle which she so well adorns, and by the wise use of the abundant means of her husband, give aid and comfort to many sad hearts and bring sunshine to many homes which were made sad and cheerless by the hand of cruel war. There is no more important step for any man to take than in the selection of a wife, and this is especially true in a merchant. After his marriage he returned to Danville, entering business again on his own account, but he soon found that Richmond had many advantages over Danville as a central point for business, and after forming business relations with Mr. B. C. Flanagan, of Albemarle county, and Mr. George Rives, he removed to Richmond and resumed business

under the style of Flanagan, Stokes & Co. After several years operations under this firm-name the business was dissolved, and since that time he has had several partners, changing to Stokes Co.; Stokes & Rives; Stokes, Williamson & Co.; to the present firm of A. Y. Stokes & Co., importers, wholesale grocers, and general commission merchants, his partners to-day being Mr. Thomas Potts and one of his six sons, Mr. William G. Stokes.

A. Y. Stokes has by his indefatigable energy and patient perseverance advanced step by step, until to-day his name is one of the most honored and responsible among the high-toned and enlightened merchants of Virginia and the South. The house of which he is the founder and senior partner has passed through the trying twelve years since the war, while many time-honored and highly respectable houses were forced to succumb by the crisis through which our country has passed. The business of A. Y. Stokes & Co. extends not only through Virginia and North Carolina but also in Ohio, Kentucky, Indiana, Illinois, West Virginia, Iowa, Michigan, and down South as far as New Orleans and Texas.

In height Mr. Stokes is five feet ten inches, with full round face, with a good Roman nose; his hair and beard are beginning to show some of the silver threads of age, which detract nothing from his appearance. He is a man of few words, is retiring in his disposition, calmly hears, and carefully digests before expressing an opinion, but when expressed he is apt to hold fast. In this respect he is the counterpart of nearly all the successful men of our day and country.

Although his business is extensive and large, yet he devotes a part of his time to other duties, filling several high and important offices of trust. He is one of the Vice-Presidents of the Richmond and Danville and Piedmont Railroad Company, of which Colonel A. S. Buford is the President, which runs from Richmond to Greensboro, N. C., thence to Raleigh and Charlotte, with a connecting road to Salem. This road has contributed more to the prosperity of Richmond than any other line of transportation in Virginia. Mr. Stokes is also President of the Mer-

chants' and Mechanics' Fire Insurance Company of Richmond, and his close association to this company has given it an extensive and valuable patronage and popularity enjoyed by few similar institutions in the South. He is also a partner in the banking house of Wm. S. Patton, Sons & Co., of Danville, a place that has shown more real prosperity and go-ahead than any other town in the Southern States, and it is to-day one of the very best and largest markets for fine leaf-tobacco in the world. He has no political aspirations, but more than once he has been honored by his fellow-citizens with a seat in the Council Chamber of Richmond. During the late war he was tendered, by Hon. C. G. Memminger, the Secretary of the Confederate States Treasury, with the important office of Receiver of Tax in kind, for the States of Virginia and North Carolina, an office he filled to the entire satisfaction of the government. He is an extensive land-owner and planter in North Carolina, and is also interested in many of the money institutions and banks of Richmond, being a Director in the First National and City Saving Bank; and he displays in every department of commerce the same rare ability and clear judgment that has distinguished him in his own firm's business. He is a member of the Episcopal Church, and a helper in every good work that has for its object the relief of suffering. As a merchant and citizen he is honored and respected by all who know him in person or by reputation, and in a special manner he can be classed with that honorable band of worthy citizens who now adorn almost every place of position in the country, whether State or national—a self-made man.

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## GOVERNOR WILTZ.

LOUISIANA.

**LOUIS ALFRED WILTZ** was born, January 22d, 1843, in New Orleans, La., and is the son of Theophile Wiltz, merchant, of that city. The Wiltz family are of German-Spanish descent, their paternal ancestors having been among the first





*Yours Truly  
Louis Atty.*



German settlers in Louisiana, while Thomas Barroso Villanueva, maternal grandfather of the subject of this sketch, came to this country with the Spanish army. The Villanuevas are a noble Spanish family, and many of its members have occupied distinguished positions in their own country and in the diplomatic service in different parts of the world. P. S. Wiltz, uncle of Louis, was a prominent politician and merchant for many years in Louisiana, having served in the Legislature, as alderman, as member of the Constitutional Convention of 1861, and for a lengthened period as Clerk of the Second District Court of New Orleans.

Louis A. Wiltz was educated at the public schools in his native city, and at sixteen years of age left the High school and entered a mercantile house, which failed shortly afterwards, when he went to assist his uncle, then Clerk in the Second District Court. At the outbreak of the war, though but eighteen years old, he enlisted as a private in one of the companies of the Orleans Artillery that were organized. Shortly afterwards he was elected Captain of the Wiltz Guards, Company E, Chalmette regiment of infantry, and was stationed at Fort Jackson. His regiment was captured while on picket duty at the Quarantine Station, in 1862, being the first to fall victims to the Federal fleet after they had passed the forts. His father was a captain in the same regiment, and died from sickness about the time of their capture. Louis was soon afterwards exchanged, and served on detached duty in the Mississippi Department, and was subsequently transferred to the Trans-Mississippi Department, serving in the cavalry, and afterwards as Provost Marshal and Commander of the Post, at Franklin, La., until the close of the war. Though quite a young man, his superior officers had forwarded to the War Department an application for his promotion as Major of Scouts.

He returned to New Orleans July 16th, 1865, and engaged in mercantile pursuits with his uncle. In 1868 he was elected to the State Legislature from the Ninth Representative District of the parish of Orleans, and in the year

1869 was elected a member of the School Board. In the same year he became a member of the Upper Board of Aldermen, and by that body was unanimously chosen its President. In the same year the Democratic Nominating Convention unanimously nominated him for Mayor of New Orleans, the youngest man that had ever been named for that position. The Republican Legislature, then in session, fearing that the Democrats would elect the city ticket, postponed the election, which was shortly to have taken place, and framed a new charter for the city, which is still in existence. The then Executive, Governor Warmouth, was authorized to appoint the officers under the new charter for that year, and the law provided that an election should be held in the following year. He was renominated for the Mayoralty in 1870, and, though elected to the office, was counted out by the Returning Board. In 1872 he was again nominated, and, being again elected, took the office by force and served a term of two years, winning golden opinions for his honorable, just and impartial conduct in the administration of his office during that peculiarly trying period in the history of New Orleans.

In April, 1874, Louisiana was devastated by a terrible flood, a calamity that surpassed in extent and ruinous consequences any that has occurred from fire, storms, or flood on this continent during this century. The Mississippi, in average high water, from Memphis to the Gulf, is confined by artificial banks or levees to a channel varying from half a mile to a mile in width. But for these embankments the unparalleled flood of 1874 would have formed for all this distance a continuous lake, covering the whole alluvial country, from twenty-five to one hundred and seventy-five miles in width, and more than six hundred miles long. But in spite of these levees, considerably more than half of this area was submerged. The levees could not withstand the Mississippi in its mighty and ruthless violence, and gave way in numerous crevasses, varying from one hundred feet to five thousand feet in width, and aggregating fully six miles. Through these great chasms the floods

poured from April 15th to May 20th before they commenced to abate, in a stream seven feet in average depth and at the rate of more than seven miles an hour. It was estimated by a practical engineer, especially familiar with the inundated district, that the area submerged in Louisiana alone was 8,065,000 acres, or 12,600 square miles, while in Mississippi 2,500,000 acres, and in Arkansas 2,000,000 acres, additional, were submerged. The distress that ensued among the ruined, destitute and famishing people was something appalling, and nothing but the ceaseless and untiring efforts of Mayor Wiltz and the Relief Committee prevented thousands of people from starving to death on the borders of the Mississippi. Many of the Northern and Western States responded nobly to the call for help, Boston, Mass., alone contributing \$40,000, and Mayor Wiltz, who was Chairman and Treasurer of the Relief Committee, collected in all over \$170,000. The Federal government issued vast quantities of stores for distribution among the sufferers. For thirty days, ending May 29th, an average of 56,219 rations were distributed daily, subsisting at least 70,000 people. From the day that the first warning word came down the river, Mr. Wiltz was indefatigable in aiding his afflicted fellow-citizens. Never ceasing in his exertions, always the first to place his shoulder to the wheel, many times enduring undeserved censure, and never seeking praise, the history of the relief of Louisiana is a monument to the qualities of Mr. Wiltz's head and heart which will challenge admiration as long as there is a levee to be guarded or a crevasse to be feared.

Ever since the fraudulent counting in by the Returning Board and forcible installation of the Kellogg government, in 1872, a very bitter feeling had prevailed among the majority of the people against the usurping officials, and this culminated in an open-air mass meeting being held on Canal street, on September 14th, 1874. At this meeting a committee was appointed to wait on the acting Governor Kellogg and demand the resignation of himself and officers, on the ground that they had not been rightfully

elected to their offices, but had been counted in by the Returning Board. This demand being refused caused an uprising of the people and the installation by them of the rightfully elected government. The Metropolitan police and militia were brought into armed conflict with the populace, and some severe fighting ensued, in which numbers were killed on both sides. This successful assertion of the rights of the people drew forth the following proclamation from Mayor Wiltz:

“MAYORALTY OF NEW ORLEANS, *Sept. 15th, 1874.*”

“CITIZENS OF NEW ORLEANS: It becomes my duty to congratulate you upon the restoration of the duly elected and rightful State authorities. After enduring for nearly two years the control of usurpers, their acts of tyranny have at length called for resistance. This was instantaneous, universal and entirely successful, not a single usurping official being now in the exercise of his functions within the limits of the city. The employment of force became a necessity. We deplore the resulting loss of life, while we honor the memory of the noble men who fell in defence of the rights dear to all who desire to be free. Upon this signal and most honorable recovery of your political and civil rights, let me advise extreme moderation. Resume your avocations as soon as dismissed from organized ranks. Use the utmost forbearance towards those who hold political opinions adverse to yours. Interfere with no peaceful assemblage of your fellow-citizens of any race or color. Use all your influence to preserve the peace and to maintain the supremacy of the law. Prove to the world that you can be as forbearing to those who have usurped and abused authority as you were patient and long-suffering under their tyranny. Seek no revenge for past injuries, but leave your fallen enemies to the tortures of their own consciences and to the lasting infamy which their acts have won for them.

“LOUIS A. WILTZ, Mayor.”

In October, 1874, at the meeting of the Democratic Nominating Convention, he was renomi-

nated for Mayor on the first ballot; but, a dispute arising as to numbers, a recount was taken, during which, through an error, three members were permitted to change their votes, and his opponent, C. J. Leeds, received the nomination. Considerable feeling was exhibited, which threatened the disruption of the Democratic party, when Mr. Wiltz addressed the following letter to the presiding officer of the convention :

“To R. H. MARR, ESQ.,

President Parish Convention :

“DEAR SIR: It is manifest that the action of the convention over which you lately presided (so far as the mayoralty is involved) has thrown our party into a state of indecision and ferment, which it becomes the part of patriotism and of duty now to allay. Whatever may be the wrong to which I have been subjected, the path of honor lies before me; and that path I intend to tread. It is true that I am sensible of the extent and measure of the sacrifice; but when the necessity of securing unity and allaying dissensions in our ranks forces itself upon my mind, I feel that I am obeying the impulses of my heart and of my reason. I therefore formally announce to you that I withdraw now all my claims to the nomination for the Mayoralty of New Orleans in favor of my late opponent, C. J. Leeds, Esq., and will urge my friends to acquiesce in the resolution which I have calmly and dispassionately taken. “I am with respect,

“LOUIS A. WILTZ.

“October 8th, 1874.”

This “noble act of self-abnegation,” as it was fittingly termed by the New Orleans *Picayune* and the other papers of the city, restored harmony, and Mr. Wiltz received for the second time the nomination to the House of Representatives from the Ninth District, to which he was duly elected. Immediately after this he was elected Assistant Cashier of the State National Bank, and placed in charge of its branch depository, and shortly afterwards was elected its Vice-President.

January 5th, 1875, was a memorable day in the history of Louisiana. While the House of

Representatives, as permanently organized, with Mr. Wiltz as Speaker, was taking a recess, waiting for the Committee on Credentials to report, General De Trobriand, commanding the United States forces detailed in New Orleans, entered the Hall, and, walking up to the Secretary's desk, addressed the Speaker, saying he had received a communication from Governor Kellogg which he desired the Clerk to read. Mr. Wiltz objecting, the communication was read by the general's adjutant. It stated that an illegal body was in session in the State House, claiming to be the House of Representatives, and asked that they be ejected and the legal members, as returned by the Returning Board, who would be pointed out by Mr. Vigers, former Clerk of the House, be installed. Speaker Wiltz asked General De Trobriand if General Emory, his superior officer, knew of these orders; the general replied that he had been ordered by General Emory to obey Governor Kellogg, and that he was acting as a soldier and must obey his superior officer. Speaker Wiltz said he was the Speaker of the House of Representatives of the State of Louisiana, and would maintain its dignity, and refused to allow any member to be ejected unless a resort was made to superior force by the United States troops. General De Trobriand then retired, and a file of soldiers entered the Hall and proceeded to eject five Conservative members, marching them out one at a time between the soldiers; they also attempted to support Vigers in reading the roll, Speaker Wiltz protesting. We may here remark that the State House was barricaded and crowded inside with the Metropolitan police and the Kellogg militia, and none were permitted to enter the building except the members returned as elected by the Returning Board and those friendly to Kellogg. In front of the State House, in line of battle, was drawn up a United States regiment of infantry, and on one side artillery, and on the other cavalry, while a gun-boat was stationed at the foot of the street. General De Trobriand having asked if it would be necessary to employ force, and being answered in the affirmative, two officers, with soldiers carrying

guns, with bayonets attached, entered the Hall and marched up to the platform. Then the Speaker, rising, said:

"As the legal Speaker of the House of Representatives of the State of Louisiana, I have protested against the invasion of our Hall by the soldiers of the United States, with drawn bayonets and loaded muskets. We have seen our brother members violently seized by force of arms and torn from us, in spite of their solemn protest. We have seen a force of soldiers march up the aisles of the Hall of Representatives of Louisiana. I have protested against this in the name of a once free people. In the name of the once free State of Louisiana, in the name of the Union, I again enter my solemn protest. The chair of the only Speaker of the House of Representatives of Louisiana is surrounded by United States troops, the officers of the House are prisoners in their hands, so I solemnly declare that Louisiana has ceased to be a sovereign State, that it has no longer a republican government, and I call on the Representatives of the State to retire with me before this show of arms."

Speaker Wiltz with all the Conservative members then left the hall in a body, and marched to the Conservative head-quarters, 71 St. Louis street, followed by an immense concourse of citizens, who cheered them vociferously. The number of Conservative members present at the organization of the House was fifty-six, by whom Mr. Wiltz was elected Speaker; the number of Radical members was fifty-three, most of whom left after the vote for Speaker was taken. Cooley, the great constitutional lawyer, gave a lengthy opinion, declaring the organization of the House of Representatives under Wiltz legal and constitutional. The protest of Speaker Wiltz was used throughout the Union as a strong campaign document against the Republican party, and had much to do with its downfall. Upon returning to their rooms, the Conservative members passed the following resolutions:

"NEW ORLEANS, *January 4th*, 1875.

"Resolutions of the Caucus of the House of Representatives of the State of Louisiana, upon

returning to their rooms, 71 St. Louis street, after the unlawful expulsion of the members thereof by the soldiers of the United States:

"*Resolved*, That we have seen, with profound emotion, the events just transpired by which, for the first time in the history of this country, the Legislature of a sovereign State has been suppressed, and its members expelled by Federal arms.

"*Resolved*, That we have further witnessed, with great satisfaction amid these unparalleled and trying scenes, the firm, patient and patriotic conduct of the Hon. Louis A. Wiltz, of Orleans, Speaker of the House, who displayed upon the occasion those elements of character which satisfies us that in electing him Speaker we have the right man in the right place.

"*Resolved*, That the thanks of the Caucus be and the same are hereby tendered to Speaker Wiltz for the courageous and efficient administration of his office during its continuance, and whatever may betide us or the liberty outraged by bayonet rule, we shall ever cherish, with lively satisfaction, the memory of our Speaker's fortitude, moderation and justice.

"Unanimously carried.

"EDWARD BOOTH,

"PETER J. TREZEVANT, "Chairman Caucus.  
"Clerk."

After his withdrawal from the State House, Speaker Wiltz transmitted the following telegram to General Grant:

"HOUSE OF REPRESENTATIVES, NEW ORLEANS,  
"January 4th, 1875.

"TO THE PRESIDENT OF THE UNITED STATES:

"I have the honor to inform you that the House of Representatives organized to-day, by the election of myself as Speaker, fifty-eight members, two more than a quorum, voting, with a full house present. More than two hours after the organization, I was informed by the officer in command of the United States troops in the city that he had been requested by Governor Kellogg to remove certain members of the House from the State House, and that under his orders he was obliged to comply with the request. I protested against any interference of the United

States army with the organization or proceedings of the House, but, notwithstanding this, the officer in command marched a company of soldiers upon the floor of the House, and by force removed thirteen members who had been legally and constitutionally seated as such, and who, at the time of such forcible removal, were participating in the proceedings of the House. In addition to this, the military declared their purpose to further interfere with force in the business of the organization of this Assembly, upon which some fifty-two members and the Speaker withdrew, declining to participate any longer in the business of the House under the dictation of the military. As Speaker, I respectfully appeal to you to know by what authority and under what law the United States army interrupted and broke up a session of the House of Representatives of the State of Louisiana, and to earnestly request and demand that they be ordered to restore the House to the position it occupied when they interfered; and further, that they be so instructed that it is no part of their duty to interfere in any manner with the internal workings of the General Assembly. The House is the representation of the sovereignty of the State, and I know of no law which warrants either the Executive of the State or the United States army to interfere with its organization or proceedings.

“LOUIS A. WILTZ,  
“Speaker House of Representatives  
Of the State of Louisiana.”

To this no answer was vouchsafed by the Administration.

After the ejection of the Conservative members of the Louisiana House of Representatives from the hall of the Legislature, they prepared the following Memorial, which was forwarded to the United States Congress, copies being also sent to the Governor of every State in the Union:

CONSERVATIVE MEMORIAL.

*“To the Honorable the Senate and House of Representatives of the United States of America in Congress Assembled:*

“The House of Representatives of the State of Louisiana, duly organized in accordance with

the laws of the State, would most respectfully state to your honorable bodies that, having convened in the capitol of the State on the 4th day of January, 1875, and having organized permanently according to law, their Speaker and a majority of the members were compelled to retire by the troops of the United States; the facts being as follows:

“On Monday, January 4th, 1875, at 12 o'clock M., the Clerk of the former House called the roll of members as returned by the Returning Board, to the number of one hundred and six—one hundred and eleven constituting a full house—and after reading the certificate of the Secretary of State attached thereto, announced a quorum present; fifty-six being the number required. Thereupon, on motion of Mr. Billieu, of Lafourche, which was carried, the Hon. L. A. Wiltz, of Orleans, took the chair as temporary Speaker. Mr. Wiltz, as Speaker, called the House to order. The oath of office was duly administered to him by Justice Houston, and thereupon the Speaker administered the oath to the returned members of the House. A motion was then made to declare Mr. P. J. Trezevant Clerk of the House *pro tem.*, which was carried. A motion was next made to appoint Mr. E. Flood Sergeant-at-Arms *pro tem.*, which was carried. Motions and calls from both the Republican and Conservative sides for a permanent organization followed, but great confusion prevailing, the chair refused to entertain any motion until order was somewhat restored. The following resolution, offered by Mr. Billieu, of Lafourche, was then moved and passed:

“Be it *Resolved*, That James Brice, Jr., of the parish of Bienville, Charles Schuler and John L. Scales, of the parish of De Soto, C. C. Dunn, of the parish of Grant, and George A. Kelley, of the parish of Winn, be and they are hereby declared duly elected members of this House, and as such are entitled to their seats, reserving to their opponents, if any, all rights of contestation.”

“These five, being members from the four parishes, whose returns the Returning Board had neglected to promulgate, and had referred to the

Legislature for its decision, were then duly sworn in and took their seats. Thereafter, motions from both Republicans and Conservatives were made for a permanent organization, and the Speaker announced the motion carried. Mr. L. A. Wiltz was nominated by the Conservatives, and Messrs. Hahn and C. W. Lowell by the Republicans. Mr. Lowell declined. The Speaker then ordered the roll to be called, which roll was the same as called by the former Clerk, Mr. Vigers (then *functus officio*), with the addition of the five names above mentioned. The roll being called, the Clerk announced the vote as follows: L. A. Wiltz, fifty-five votes; M. Hahn, two votes; blank, one vote—Mr. Wiltz voting blank. No objection or dispute was made to the count, or to the announcement of the vote. At this juncture several of the Republican members indicated a disposition to leave the hall, and a number of these retired. Mr. Wiltz was duly sworn, and the roll being called, the members came to the Speaker's stand and were sworn in by him, four at a time, to the number of fifty-nine (59), including Messrs. Baker, Drury, Hahn, Murrill and Thomas, Republicans, who remained and participated in the proceedings after the permanent organization. A motion was then made and carried to elect Mr. Trezevant Chief Clerk of the House; and another motion was made and carried, electing Mr. E. Flood Sergeant-at-Arms of the House. Thus was the permanent organization of the House of Representatives effected, in accordance with the Constitution of the State of Louisiana—see Articles 17, 20, 34 and 46 of the Constitution of the State of Louisiana, and Section 44 of Act 98 of 1872—and in accordance with law and parliamentary usage. The Speaker then announced that the House was ready for business, and notices of contest of elections were given. On motion of Mr. Dupre, of Orleans, a committee of seven on elections and returns was appointed, consisting of Messrs. Dupre, Pipes, Carlross, Young, Hammond, Hahn, and Thomas. In the meanwhile, during the proceedings in the House, an additional number of police, with a crowd of disorderly persons, entered the lobby

and engaged in menacing altercation with the Sergeant-at-Arms and his ten assistants. Finding the Sergeants-at-Arms were contending with the mob, the Speaker endeavored to procure the attendance of additional Sergeants-at-Arms, and for this purpose addressed a note to the officials, who were in possession and control of the barricaded doors of the State House, to allow fifty citizens to be admitted for that purpose. This request, made in writing, was refused. About one o'clock p. m. the disturbance in the lobby grew serious, and a conflict was imminent. Then, in order to avoid a collision, General De Trobriand, of the United States army, who had some time previously entered and occupied the State House with his soldiers, was sent for. After entering the hall, he was addressed by the Speaker as follows: 'General De Trobriand, at the request of the members of the House of Representatives, I have sent for you to say that the House of Representatives of the State of Louisiana is organized, with myself as permanent Speaker, and to request you, if your orders will permit, to please say a few words to the unruly persons in the lobby, and thereby prevent bloodshed. I feel and know that I can maintain the dignity of the House, but it is not my wish, nor that of the members of the House, to bring on a conflict. Hence, you will oblige me if you will say a few words to the lobby.' The General then retired to the lobby and spoke to the crowd, which then dispersed, and order was restored. After this interruption, the House proceeding with its business, the Committee on Elections and Returns reported, and upon their report the following-named Representatives were duly sworn in and seated as members: Messrs. John O'Quinn, of the parish of Avoyelles; J. J. Horan, A. D. Land and Thomas R. Vaughn, of the parish of Caddo; J. Jeffries, R. L. Luckett, and G. W. Stafford, of the parish of Rapides, and William F. Schwing, of the parish of Iberia.

"Afterward, while the proceedings of the House were quietly progressing, about the hour of three o'clock p. m., General P. R. De Trobriand, commanding the United States troops in and around the State House, entered the hall



in uniform, his sword by his side, and accompanied by two of his staff and by Mr. Vigers, the former clerk of the House, and addressed Speaker Wiltz, exhibiting the documents of which the following are copies :

“STATE OF LOUISIANA, Executive Department,  
“NEW ORLEANS, *January 4th*, 1875.

“GENERAL DE TROBRIAND, Commanding :  
An illegal assembly of men having taken possession of the Hall of the House of Representatives, and the police not being able to dislodge them, I respectfully request that you will immediately clear the hall and State House of all persons not returned as legal members of the House of Representatives by the Returning Board of the State. “W. P. KELLOGG, Governor.’

“STATE OF LOUISIANA, Executive Department,  
“NEW ORLEANS, *January 4th*, 1875.

“GENERAL DE TROBRIAND : The clerk of the House, who has in his possession the roll issued by the Secretary of State as the legal members of the House of Representatives, will point out to you those persons now in the Hall of the House of Representatives returned by the legal Returning Board of the State.

“W. P. KELLOGG, Governor.’

“The Speaker refused to allow Mr. Vigers to read these documents, he not being clerk of the House, and, at the request of General De Trobriand, they were read by his adjutant. Speaker Wiltz then asked General De Trobriand : ‘Have you submitted these documents to General Emory?’

“General De Trobriand.—‘I have not, but I presume that duplicate copies have been sent to him.’

“Speaker Wiltz.—‘General, I wish to say to you that since our organization we have admitted, sworn in, and seated five members from referred parishes; are these members to be ejected?’

“General De Trobriand.—‘I am but a soldier; these are my orders. I cannot enter into the consideration of that question.’ The General further stated that he was under instructions to obey the orders of Governor Kellogg.

“Speaker Wiltz.—‘I respect you, General, as a gentleman and a soldier, and dislike to give you trouble; but I, like you, have a duty to perform, which I owe to my State, to maintain the dignity and authority of my position as Speaker of the House of Representatives. Force will have to be used before I can permit you to execute your orders.’

“Upon the refusal of Speaker Wiltz and Mr. Trezevant, the Clerk, to point out the persons, and the refusal of Speaker Wiltz to allow Mr. Vigers to call the roll for the purpose of identifying the members then, Hugh J. Campbell and T. C. Anderson assisted General De Trobriand in identifying the members to be ejected. General De Trobriand then ordered his soldiers, fully armed and with fixed bayonets, into the hall, from the lobby, and approached the members successively, while in their seats, to wit: O’Quinn, Vaughn, Stafford, Jeffries, Luckett, Dunn, Kelly, Horan and Land, and one by one he caused them to be taken from the hall by his soldiers, each gentleman first rising in his place and entering his solemn protest, in the name of his constituents, against unlawful expulsion. Thus were these gentlemen ignominiously arrested, and despite their public protestation and their appeals to the Speaker and the House for protection, which neither could afford, were taken from their seats and forcibly ejected from the Hall of the House of Representatives of the State of Louisiana, at the point of the bayonet, by the officers and soldiers of the United States army. General De Trobriand then proceeded to eject the clerk and arrest the proceedings of the Assembly, and for that purpose brought a file of soldiers to the Speaker’s stand; when the Speaker arose and addressed the House as follows:

“As the legal Speaker of the House of Representatives of the State of Louisiana, I protest against the invasion of our hall by the soldiers of the United States with loaded muskets and fixed bayonets. We have seen our brother-members violently seized by force of arms and torn from us in spite of their solemn protest. We have seen a file of soldiers march up the aisle of

the Hall of the Representatives of Louisiana, and have protested against this in the name of a once free people. In the name of the down-trodden State of Louisiana, I again enter my solemn protest. Gentlemen, the chair of the Speaker of the House of Representatives of the State of Louisiana is surrounded by United States troops, the Hall of the House of Representatives in possession of armed forces, and I call upon the Representatives of the State of Louisiana to retire, with me, from their presence.' The Speaker then left the hall, followed by all the Conservative members, the hall being left in possession of the military.

"If we have dwelt thus somewhat at length upon the details of military overthrow of a sovereign State, and her reduction to a province, it is that other States may see and know the process whereby the overthrow of their own liberties may be accomplished. We solemnly warn the American people, jealous of their liberties, that a military power dispersing a House of Representatives in the State of Louisiana, may yet serve as a precedent to shackle them and their posterity, if, in the hour of trial, standing as we do to-day, amid the ruins of constitutional liberty, they leave us to our fate. All of which is respectfully submitted.

"LOUIS A. WILTZ, Speaker."

Mr. Wiltz received warm praise from all sections for his manly and dignified action on this trying occasion; the *New Orleans Bulletin* of January 5th said:

"We cannot refrain from bearing willing testimony to the gallant bearing of Speaker Wiltz during the exciting and unparalleled scenes consequent upon the meeting of the Legislature yesterday. He bore himself like a cool, brave, honest man, and was fully equal to every emergency that presented itself. He was master of the situation from first to last, and displayed coolness, tact and courage quite remarkable in so young a man. The various attempts to overawe and intimidate him failed utterly, and he maintained his position under circumstances the most exciting, novel and trying, with true dig-

nity and unquestionable pluck. The interference of the United States troops was made by him as odious as possible, and he only yielded when the bayonets of the soldiers were brought into active use. He was worthy of the time and the occasion, and rose to meet the crisis which suddenly confronted him with a nobility and dignity which made us proud to own him a native Louisianian. His address to the Legislature upon the assumption by the military of the right to appoint a clerk for the House over which he presided, and to ignore him, and subsequent to the forcible ejection by the soldiers of the five members of the House, was all that the occasion demanded, and his earnest and eloquent protest will not go unheeded but will ring through the country like a bugle-blast, warning all lovers of free institutions to beware lest that liberty be wrested from them and a military despotism be erected upon the ruins of this once glorious Republic."

A portion of the Conservative members subsequently agreed upon a compromise with the usurpers, against which Mr. Wiltz protested in vigorous terms, and offered to resign the Speakership, which offer he was requested to withdraw. On April 16th the House decided to reorganize; Mr. Wiltz was elected by the Democratic members in caucus as their candidate, but by a combination formed between eleven Democrats and the Republicans, Mr. Estelette (a compromiser) was elected Speaker by a majority over Mr. Wiltz. During the session of that Legislature Mr. Wiltz took charge of the movement which caused the impeachment of Governor Kellogg, who was acquitted by the Senate, composed of a majority of Republicans, without permitting the House an opportunity of making good its charges. At the meeting of the Democratic Nominating Convention at Baton Rouge, July, 1876, Mr. Wiltz was the strongest candidate for Governor of Louisiana. As an evidence of his great popularity in his own city, it may be mentioned that he polled 120 out of the 132 delegates from the parish of Orleans, and thus proved himself to be the most popular candidate for Governor by far that New Orleans ever had.

On the first ballot he received 140 votes, and on the third ballot, not a friend having deserted him, 1,423 votes. On the fourth ballot, however, General Frank T. Nicholls, having received the votes of McEnery, who withdrew, was nominated for Governor, and Mr. Wiltz was unanimously tendered the second place on the ticket—that of Lieutenant-Governor—which he accepted. In the protracted conflict which followed between the Nicholls and Packard governments, resulting in the withdrawal of the United States troops and the triumph of constitutional right, none took a more active and decided part than Lieutenant-Governor Wiltz.

In the summer of 1877, his health having become somewhat impaired by his incessant attention to public affairs, Lieutenant-Governor Wiltz took a brief respite from his active labors and paid a visit to the Northern, Western and Eastern States, where he was everywhere received with the greatest respect and attention. He paid an especial visit to Boston to return thanks in person to the mayor of that city for the munificent contributions of its citizens to the Louisiana Relief Fund, in 1874. His visit, though purely one for health and recreation, was productive of much good to the State in opening the eyes of mercantile men and others to the natural advantages of Louisiana for the investment of capital and a field for enterprise. In 1879 he was chosen a Delegate to the Constitutional Convention, a body consisting of one hundred and thirty-four members, the largest and ablest that has ever sat in Louisiana. By this body he was on the first ballot elected President, his elevation to that position giving universal satisfaction, as was evidenced by the newspaper press throughout the State. Though composed of some of the ablest parliamentarians in the State, such was his ability, justice and impartiality as presiding officer, that no appeal was ever taken from his decision; and he received the respect and confidence of all parties alike.

He is Vice-President of the State National Bank of Louisiana; Director of the Fireman's

Insurance Company; Director of the Orleans Street Railroad; and President of the Creole Fire Company, No. 9. He was for many years Vice-President of the Fireman's Charitable Association, and has represented the Democratic party repeatedly in the Democratic State Central Committee, and Parish Committee. He has also acted as Governor during the absence of Governor Nicholls from the State. Lieutenant-Governor Wiltz has taken an important part in public affairs since his earliest years, and though still quite a young man, has had more practical experience than falls to the lot of many a statesman during his whole career. As Alderman, Mayor, School Director, Speaker, Lieutenant-Governor, and President of the Constitutional Convention, he has received all the offices in the gift of the people but the highest, and that will without question be his before many years are past. In all he has shown himself capable, honest, faithful, and fearless, and his popularity has constantly increased as each new proof of public confidence has been placed in his charge. As a presiding officer, impartial and prompt, courteous yet firm, his abilities have been recognized by all without respect to party lines. After presiding over the State Senate for three years, but three appeals have been taken from his rulings, and as an instance of the estimation in which he is held by its members, the following resolutions passed by the Senate in March, 1878, deserve insertion here:

#### RESOLUTIONS.

“WHEREAS, The Lieutenant-Governor and President of the Senate, the Hon. Louis A. Wiltz, by his prompt and impartial rulings on all questions that have been before this Senate, during the regular and extra sessions, which have given rise to debate, has by those rulings saved much time and money to the State; and

“WHEREAS, His rulings upon all questions pending have been so impartial, and his bearing towards the members of this Senate of both political parties has been equally courteous and polite, that it has resulted in such rapid despatch of the business pending during the regular and

extra sessions, that the calendar of this Senate was clear upon each day's adjournment; and

"WHEREAS, His marked ability as a presiding officer is recognized by the members of this Senate, without regard to party, as unequalled in the history of this State; and

"WHEREAS, That ability, with the prompt and impartial rulings, has prevented discussion and perhaps confusion and bad feeling between those of a different political opinion; be it therefore

"Resolved, That the thanks of the members of this Senate be and the same are hereby tendered to our honorable presiding officer, for reasons set forth in the foregoing preamble; and be it further

"Resolved, That irrespective of party, race, or previous condition, we, the members of the Senate of the State of Louisiana, recognize each and every the rulings of the Lieutenant-Governor, and President of the Senate, during both sessions, as unbiased in the strictest sense of the word, and so believing desire to express our sentiments as hereinbefore set forth; and be it further

"Resolved, That the Secretary of the Senate be and is hereby directed to have these resolutions 'enrolled,' and that they be then presented to the Lieutenant-Governor with the seal and signature of the Secretary of the Senate attached."

"SENATE CHAMBER, STATE OF LOUISIANA.

"I, John Clegg, Secretary of the Senate, do hereby certify that the above and foregoing is a true and correct copy of the original resolutions adopted by the Senate of Louisiana on the nineteenth day of March, A. D. 1878.

"In witness whereof I have hereunto set my official seal and signature this — day of March, A. D. 1878.

"JOHN CLEGG,  
[SEAL.] "Secretary of the Senate.  
"A. H. HARRIS, Chief Enrolling Clerk."

As a business man his indefatigable and energetic administration of the offices to which he has several times been elected, together with the fact of his having been unanimously elected to the Vice-Presidency of the State National Bank

after a single year's experience, are sufficient evidences of his ability and sagacity. Possessing great administrative capacity combined with sound judgment; vigilant and untiring in the discharge of his official duties; of indomitable energy and unflinching will; polished and dignified yet courteous and urbane, Lieutenant-Governor Wiltz has won the warm admiration and esteem of all with whom he has been brought in contact, and his popularity in his native city is equalled by few and excelled by none.

He married, October 15th, 1862, Miss M. Bienvenu, daughter of Charles Guerinere Bienvenu, planter and saw-mill proprietor, of St. Martinville, on Bayou Teche. He has five children, one of whom is a son.

Since the foregoing sketch was written, Mr. Wiltz has been elected to the highest office in the gift of the people—that of Governor of the State—by an overwhelming majority, viz., 34,005, over his opponent. His installation took place on January 14th, 1880.

E. E. BERMUDEZ, Esq.

LOUISIANA.

EDWARD EDMUND BERMUDEZ was born in New Orleans, La., January 19th, 1832, and is the son of Judge Joachim Bermudez, formerly of that city. The Bermudez family are of Spanish descent, John Baptist Bermudez, grandfather of the subject of this sketch, having been born in Andalusia, in Spain, and emigrated to this country by way of Cuba about the time of the Revolutionary war. He was a scholar and a man of independent means, and settled in New Orleans, where he became an alcalde of the city. He married Miss Dufossat, the daughter of a wealthy sugar-planter of Louisiana, whose ancestors were noble and have owned the "Chateau Dufossat" in the Department of the Lot, France, for eight centuries past. Joachim Bermudez, the son of John Baptist and father of Edward Edmund, was born in New Orleans and educated at the Orleans College. When



Respy yours  
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the city was attacked by the British in 1814, he ran away from college to join the army, and formed, with a number of his fellow-students, an independent company of sharpshooters. He studied law, was admitted to the bar, and appointed Presiding Judge of the City Court, which position he held for many years, and was then appointed Judge of the Court of Probate—the latter appointment being for life, under the constitution of 1812. In the year 1836 a homicide was committed in New Orleans; the accused, claiming to have acted in self-defence, asked for the privilege of bail. The Judge of the Criminal Court being absent, it became incumbent on one of the other judges to act in his stead. The friends of the deceased swore that the judge, whoever he might be, who would admit the prisoner to bail should be held bodily responsible for such action. Owing to the absence or illness of the remaining judges, it became the duty of the Judge of the Court of Probate to entertain the demand. Well aware of the threat which had been held out, Judge Bermudez nevertheless did not hesitate to do what the law imposed upon him as a duty. After hearing the evidence, and the counsel, Etienne Mazureau, for the State; Christian Roselius and E. A. Canon, lawyers of great distinction, for the accused; he took the case under advisement. The next morning he delivered his opinion in writing in which, considering that the accused had acted in self-defence, he allowed him the privilege of bail on bond with three sureties, each bound for \$15,000. On the evening of that day between nine and ten o'clock, faithful to their threat, the friends of the deceased marched to the Judge's residence and rushed into what the law intends shall be the sacred and impregnable castle of every citizen. The Judge seemed to have been taken by surprise. He was ordered to follow his assailants, and, on refusing to do so, was instantly seized and overpowered before he could procure any weapon; but his wife, a lady of singular beauty and masculine courage, threw herself upon the combatants, disengaged one of the arms of her husband, and placed in his hand a cavalry sabre which

was close by. This sword in the hands of a brave man did speedy and terrible execution, while the fearless bosom of his generous wife stood like a shield between the husband and every blow aimed at him. In a twinkling two of the assailants were stretched dead upon the floor of the chamber, the sanctity of which they had violated; a third one was seen reeling through the entrance door into the street and fell senseless on the pavement. By this time a large number of neighbors arrived with double-barrelled guns and opened fire on the assailants, who retreated precipitately, many severely wounded. The whole affair was over—Mrs. Bermudez had saved the life of her husband. Her conduct on that occasion excited enthusiastic admiration, and ever since has been remembered and will never be forgotten. "When I arrived at the spot where this drama had been enacted," said one of those who had come to the rescue, "I found Mrs. Bermudez in the middle of the room, standing erect between two frightfully gashed corpses, her long hair flowing down her shoulders, apparently self-possessed, but her eyes flashing, her bosom heaving, and her white robes covered all over with blood. She was superb. I assure you that she then appeared to me the most beautiful and admirable object I had ever seen." She signally proved on that occasion the depth and power of woman's love and devotion. Judge Bermudez surrendered himself to the proper authorities, but was immediately discharged. His was an evident case of lawful self-defence. The foregoing is substantially extracted from the memoirs of the Hon. Charles Gayarre, the distinguished historian of Louisiana.

Under the Constitution of Louisiana of 1852, the Judiciary being elective, Judge Bermudez was elected Judge of the Second District Court of New Orleans, having probate and concurrent jurisdiction with the other courts. When the Federal forces took possession of the city in May, 1862, General B. F. Butler endeavored to induce Judge Bermudez to take the oath of allegiance to the United States; but he refused, and was in consequence removed from the

Bench. He had married Miss Emma Troxler, daughter of a wealthy sugar-planter of the parish of St. Charles, La., whose ancestors were the Barons Troxler of Alsace. He died in 1866, four years after his removal from the Bench by General Butler.

Theodule Bermudez, a brother of Joachim, removed in 1818 from New Orleans to Matanzas, Cuba, where he held the office of Sheriff. A distant relative, His Excellency Senor Don Francisco de Zea Bermudez, was a Minister Plenipotentiary from Spain to France, some time about the year 1840, where he filled that important position with great honor to himself and country. He was a man of most remarkable features and dignity—an excellent picture of him is religiously preserved in the family. A niece of his was a lady of honor to Queen Isabella of Spain, and was intrusted with the education, religious and classical, of the Infantas, the sisters of Alphonsus IX., the present King of Spain; a position which she held until 1875, when, owing to ill-health, she retired to her family in Andalusia.

Edward E. Bermudez was the godson of Governor E. D. White, of Louisiana; received his primary education at Boyer's Academy, in New Orleans, an educational establishment of high repute at that day, and then went to Spring Hill College, near Mobile, where he graduated in May, 1851. He studied law in Frankfort, Ky., under Thomas B. Monroe, United States District Judge, and in October, 1851, was, on motion of the Hon. James Harlan, Attorney-General, and father of Justice Harlan, now of the United States Supreme Court, admitted to the Bar of that State by the Court of Appeals, presided over by Chief-Justice Simpson and Judge Hise, afterwards United States Minister to Chili. He returned to New Orleans, studied in the office of Alfred Hennen, Esq., attending a course of lectures in the Law Department of the University of Louisiana, under Professor Christian Roselius, Judge McCaleb, then United States District Judge in New Orleans, Hon. Randell Hunt and Judge Daniel Mayes, of Mississippi. He was admitted to the Louisiana Bar before

the Supreme Court of that State, on exhibition of his diploma from the law school, in March, 1852, but not being of age was sworn in, on the motion of the Hon. J. P. Benjamin, now Queen's Counsel in England, only in January, 1853; and at once commenced the practice of his profession in New Orleans, in association with his father. In 1855 he was tendered the position of Judge of the Second District Court, but declined the offer. Similar positions have been offered to him on several occasions since then, but he has invariably declined the honor. In 1860 he was urged to become a candidate for the Constitutional Convention—known as the Secession Convention, and consented, on condition that no pledges should be required of him as to the course he should pursue in the convention. He was elected on the co-operation ticket, and in the convention warmly supported all measures in favor of co-operation. When, however, the ordinance of secession was carried, he, in common with many other members of the same shade of opinion, signed it. When New Orleans fell into the hands of the Federals he was pressed to take the oath of allegiance to the United States, but refused, and was ordered to leave the city. All his property was sequestered and placed under the control of the Freedmen's Bureau, and he left for Mobile, leaving his family in New Orleans. He entered the Confederate service, but owing to an affection of the heart was relieved from active service and received direct orders of the Confederate War Department, doing duty as one of the post adjutants, and in the office of the Provost-Marshal-General, under General Dabney H. Maury, who was in command of the Department of the Gulf. He remained in Mobile until the close of the war, when he returned to New Orleans, and in May, 1865, resumed the practice of his profession. On the restoration of civil government in Louisiana, in 1865, he was elected by the City Council Assistant City-Attorney, and intrusted with the collection of all moneys due to the city, and with the power of exempting from taxation, in proper cases, the property of tax-payers which had been occupied by the Fed-



eral authorities without compensation to the owners. Subsequently he was admitted to practise before the Supreme Court of the United States, on the motion of his friend and adviser, Hon. John A. Campbell, ex-Associate Justice on that bench, and one of the great men to whom the country proudly points. He had previously received the degree of Doctor of Laws from St. John's College, Fordham, New York, an institution equal in rank to the famous Catholic Georgetown College, and also conducted by the Jesuits.

Mr. Bermudez has been for many years a member of the Board for the examination of applicants for admission to the Louisiana bar, and was twice Chairman of the Board, a position to which he was quite recently appointed by the present court. He has been Vice-President and President of the Board of School Directors of New Orleans, composed of twenty-four members, representing the entire city. He was attorney for the New Orleans Mutual Insurance Association; the Importers' Bonded Warehouse; Levy's steam cotton-press, etc.; for the Southern Bank, now in liquidation; and for many years for the well-known firm of A. Rochereau & Co.

During his professional career Mr. Bermudez has been concerned in the settlement of large successions, and insolvent cases. Among the most important of the cases in which he was employed is that of *The State ex rel. the Southern Bank vs. The City of New Orleans*, in which bonds to the amount of \$4,000,000 were involved and constitutional questions arising under the Federal and State Constitutions of the highest order were raised. Mr. Bermudez represented bond-holders aggregating \$1,500,000. He gained the case in the lower court, and it was then carried to the Supreme Court of the State, which recognized the validity of the bonds and the right of the bond-holders to a special tax to pay the coupons and bonds, but the court refused to order the levy of a tax *exclusively* on real estate in the *four* original districts which composed the city of New Orleans in 1852. The case was of such intricate and important a nature that Mr. Bermudez was

employed for three days in succession in the argument. It has since been carried, on a writ of error, to the Supreme Court of the United States, where it is now pending. It is reported in 31 A. R. p. 1-31. Another important case in which Mr. Bermudez has of late been engaged is that of *The City of New Orleans vs. The Southern Bank*, in which the city claimed from the Southern Bank \$800,000, with \$1,200,000 as interest. The case was tried before a jury in the lower court and lost, but on an appeal to the Supreme Court the judgment of the lower court was reversed, and an absolute judgment rendered in favor of the Southern Bank. The bank was sought to be rendered liable for the delivery of \$800,000, bonds of the city of New Orleans, by order of the municipal authorities, to the State Treasurer, representing the Board of Metropolitan Police, in payment of a police assessment. Chief-Justice Manning delivered the opinion, the court unanimously holding that the duty imposed on the bank was ministerial; that the bank was under no obligation to question and go behind the order of the specially constituted municipal officers, and could not, therefore, be held liable for having carried out their order. Most important questions were involved in this case, which is reported in 31 Lou. Annual, p. 560. In consequence of the judgment rendered against it in the lower court, and of the judgment by the Supreme Court in the bond case, the credit of the Southern Bank became much impaired, and its capital, which had been placed in city bonds, fell from par to thirty. The bank was therefore compelled to suspend, and went into insolvency in March, 1879. A commission was appointed to wind up its affairs, of which General G. T. Beauregard is the chairman. Mr. Bermudez was retained as counsel for the liquidation.

On the 20th February, 1878, the fiftieth anniversary of the consecration of Pope Pius IX. as Bishop, the occasion received great attention and was celebrated with unsurpassed pomp and solemnity in New Orleans. Mr. Bermudez was one of the orators of the day, and delivered, in French, one of the most remarkable speeches

ever made on the temporal power of the Pope. It was published in all the local papers, and in many in the country, in French, English and German. It is said that it was also published in Europe in the Italian and Spanish papers. The following is a résumé of the address:

“The great and holy Pontiff whom Christendom has just lost is known in every part of the globe. His biography has been reported in a thousand instances; every religious paper, the secular press even, has appreciated the beauty and the grandeur of his character; the part he has played in this century, which will be known as the era of Pius IX. It is therefore useless to supply additional details relating to this very remarkable life, to this great career, which he has furnished. It will be more important to enter into the consideration of the temporal power of the Popes, and to dissipate numerous prejudices, which exist in its regard. The telegraph has been informing us for several days past of all that is being done or all that is to be done in the Conclave. We see that there are two lists of candidates for the Papacy—such a one is an ultramontane, another is a liberal. Good God! Is it possible to push absurdity further? That which is called *liberalism* has been condemned by the solemn proclamation of the absolute rights of truth. In modern times the signification of no other word in the language has been so perverted. And how many men in this regard, even among Catholics, who believe that their intentions are good, have been the dupes of a disastrous illusion? When it is a question of purely political opinions which involve neither faith nor morals, be liberal; it is your right, it is your duty even. The same freedom should exist in the domain of what man, left to himself, calls his religious belief. The schismatic in separating himself from the church, by refusing to obey her laws and the powers which rule her, places himself under the government of his own will; he can but approve in others the independence he arrogates to himself. The heretic attributes to himself the right to make a choice from among the store of revealed truths. If he enjoy the privilege of rejecting one and

admitting another, he cannot refuse a similar privilege to others, under penalty of inconsistency. He has enthroned the apotheosis of individual reason, which he would fain elevate above that which is divine. Liberalism must then exist in the domain of purely human opinions; but the term has no meaning in the domain of faith. What does the telegraph mean, therefore, when it informs us that such or such a candidate to the Papacy is liberal? It is easy to seize the idea of those who spread such false rumors; it is meant to insinuate that a given candidate will adopt the doctrine of accomplished facts; that the church will resign herself and yield up her rights lightly. Here we are bordering upon a delicate question; the celebrated famous doctrine of accomplished facts has been greatly in vogue of late; but it has not been revealed by the Holy Ghost, who proposes another doctrine, in direct opposition with the former and which reads as follows: ‘Thou shalt neither steal nor retain thy neighbor’s goods.’ This doctrine, like truth, will remain eternal. From this principle, which is one of the precepts of the Decalogue, we can deduce many conclusions. Our neighbor’s goods have been stolen—that is to say, a sacrilegious hand has been laid upon the patrimony of St. Peter, which is also the patrimony of many millions of human beings scattered over the surface of the globe. It is an accomplished fact, cries out the free-thinker, who is fond of exhibiting his profound wisdom and his great magnanimity so long as it is a question of his neighbor; but let the same free-thinker fall a victim to an accident; let a highwayman snatch his purse; with how much serenity of soul do you suppose he would listen to a judge who might pronounce sentence somewhat in the following manner: ‘Comfort yourself, my friend; the thief, it is true, is in possession of your purse; but since it is an accomplished fact, why go in peace.’ ‘That is not a fair illustration,’ however, answers our liberal philosopher; in such a case the judge would have policemen at his command, and they would require only a word, to enforce the decrees of justice. But is there then here below

no other power, save material force? Have common sense and reason been completely dethroned? Have the opinions of two hundred millions of Catholics no longer any weight in the scale of justice? Still, after all, will it perhaps be said, according to the opinion of her adversaries, as well as of her defenders, the church, although despoiled of her temporal power, seems to be as strong as ever. Yes, without doubt, to-day the church manifests her power in the midst of persecution. She displayed it also during the first centuries, when she was compelled to entomb herself in the catacombs. Why? because her children instead of sacrificing to idols allowed themselves to be massacred by thousands. At the present time the offspring of those Christian heroes consent to suffer outrages of all kinds rather than betray the voice of their conscience. It is this courage which makes them great, and their grandeur is reflected upon the church, their mother; but may society be said to be in its normal condition when innocent victims are constantly falling beneath the executioner's ax? Providence permits trials for the good of the elect; an oracle emitted from divine lips tells us that there will be scandals; certainly there will be scandals; they will be accomplished facts; but it is also said, woe to him who scandalizes; certainly there will be persecutions, but woe to him who persecutes; certainly there will be spoliations—they too will be accomplished facts, but woe to the spoiler. Sooner or later the hour of justice will strike. When will that hour be at hand? Providence only knows. One thing is certain; events are following each other with fearful rapidity. Another thing is certain, too, as a profound thinker has observed, 'Man torments and worries himself but God manages him.' Another thinker, no less eminent, has said, too, that 'Sometimes God overthrows a whole kingdom to save one soul.' The Almighty sets an immense price upon souls. He moves heaven and earth to engender His elect. The preceding remarks should suffice to prove that the doctrine of accomplished facts falls to the ground, in the presence of the doctrine contained in a

little book called the catechism, which teaches us that no one has the right to appropriate to himself his neighbor's goods.

"Here it may not be out of keeping to make a few additional remarks about the temporal power of the Popes. In the first place it is important to have a clear understanding of the Pontifical Sovereignty. It has been said on another occasion that 'this Temporal Power, let it be well understood, is not a purely national sovereignty; it is the sovereignty of the Vicar of Jesus Christ, and the Vicar of Jesus Christ is the head of the only true religion, which is to be preached, not to one nation, but to all rational creatures scattered throughout the whole universe; therefore such a sovereignty is exceptional and can never fall under the civil supremacy of any temporal ruler; it is also international because it binds together all nations by the higher life of faith, charity and unity. For this reason the head of the church holds an extra-national position, and being extra-national He must be independent, and therefore sovereign, for between independence and sovereignty no line can be drawn.' From the foregoing elementary ideas it would seem that the necessity of the temporal power should be self-evident. The same reason which demands that ecclesiastical authority and civil power should, everywhere else, be placed in separate keeping, absolutely requires that at Rome, these two powers should, on the contrary, be vested in the same hands. Is it not evident that the temporal throne of the Pope is the sole human guarantee of his spiritual independence, and that this independence can in turn alone guarantee our religious liberty, and with it all those other liberties which we owe to Christianity? Those revolutioners of our day see that very closely; for nothing equals their hatred against the throne, which alone defends against every assailant, all the principles of Christian civilization, which they abhor. All enlightened Catholics and a large number of Protestants, too, who are in good faith, and who are justly alarmed by the anti-Christian socialism which displays itself in other ranks, understand this matter thoroughly. Both these classes of

men, that is to say, the revolutioners on the one side, and sincere Catholics, and even conservative Protestants, on the other side, labor unceasingly; those to overthrow, these to maintain the only throne which has never compromised with error and evil; and by the desperate efforts made by the parties in the conflict, it is easy to see that all, assailants and defenders, are fully aware that the question of the Pontifical throne is a question of life or death not only for old Europe but also for the civilization of the universe. It is evident then that this question of the temporal sovereignty of the Pope offers no obscurity; it is, on the contrary, its crystalline clearness which sets fire to the train, because, after all, what is the point at issue? The whole matter may be expressed as follows: 'Will there still be Christian nations, whose government, however secularized it may be, will be compelled to respect the belief and to allow that the law of perfect liberty be preached to the people; else will not this law become the exclusive property of some Cæsars, great and small, absolute and republican, for Cæsarism is to be found at the bottom as well as the top of society? Will these Cæsars have to dictate their decrees, *ex motu proprio*, or else following the advice of their courtiers of both sexes, will they say to their peoples: Here is what you must believe and practice under penalty of exile or the scaffold? If the temporal throne of the Pope be given up to those who covet its possession, what will become of the sovereign Pontiff? He becomes the subject of that government which has dethroned him, or of any other which may offer him asylum. Occupying such a position, would his liberty be full and unabridged? A miracle would be required to render this possible; it would be necessary that the protecting government should throw no obstacle in the way of his administration, should promulgate no law contrary to the laws of the church. That would indeed be a miracle; and we know it did not happen in Italy during the past few years. Still let us suppose an impossibility—that such a miracle has occurred: there would remain another difficulty, and to keep Catholic unity together,

a miracle greater even than the former one would now be required. It would be necessary to grave in the minds of all Catholics and of their rulers, a deep-seated unmovable conviction as to the complete independence of the Pope. Governments are already so suspicious of the actions of the Pontiff King, whom their legislators call a 'foreign sovereign'—they are so jealous of taking a part themselves in the administration of public worship throughout their dominions, that it would require but very little to cause them to suspect that the protecting power had directly or indirectly brought influences to bear upon the decisions of the Pontifical court. All this would suppose too complete a departure from the laws of moral order; it would be a permanent miracle which we have no right to expect. What then would happen? Each government would go on enlarging the circle of its interference in the administration of public worship, until the Pope would no longer be allowed to intervene seriously, because he would be considered the instrument of a rival government; his protests would be seized at the frontier, and, after a few years, instead of the Catholic Church, there would be a certain number of national official churches, and the religion which of old emancipated Europe would become a servile instrument in the hands of an uncontrolled despotism.

“The foregoing arguments may be briefly recapitulated as follows: In the first place, the temporal sovereignty, the most ancient and the most august in the world, has been confiscated for the benefit of the revolution. By what right is this confiscation maintained, in defiance of all law, divine and human? By the same right which the thief arrogates to himself when, grasping his victim, he cries out, 'Your purse or your life.' Such an accomplished fact will never be sanctioned by eternal justice no more than the murder of the just Abel, whose innocent blood cries out unceasingly for vengeance. In the second place, it requires no demonstration to prove that the temporal power can alone secure in the Sovereign Pontiff that independence which is necessary to him in the exercise of his

supreme charge: the arguments in support of this thesis are exhaustive, they are crushing, to the free-thinker especially, who is not so weak-minded as to believe in a miracle, the existence of which, however, he would be compelled to admit, if he were to suppose that the Pope could enjoy complete independence and be, at the same time, the subject of any government whatsoever. On this point we are fortified by the confession of the great general of modern times, whose perceptions were so clear when they were not blinded by colossal ambition. 'The Pope,' said he, with characteristic precision, 'the Pope must be neither at Madrid nor at Vienna, nor at Paris; his place is at Rome.' As a matter of course he meant Rome before the Vatican had been transformed into a prison.

"From all that has been said, is it necessary to waste time in refuting the magniloquent theories of the would-be illustrious proposers of compromise? People may answer, We understand the Pope, in order to maintain his dignity and the freedom of his relations with the governments of the world, should be subject to none of them; but if he be given guarantees that he will be inviolable, ought he to complain? All those who have not forgotten what has taken place at Rome during the last few years, will not deem a reply to this question urgent; it will only be necessary to recall some of the measures taken to confiscate the property of the clergy; the hideous language made use of by certain demagogues in the Italian Parliament may also be alluded to; the sans-coulottes of '93 could not have howled with greater fury; they would certainly be glad to embrace tenderly those whom they found to be their worthy brethren and disciples. Who is there that in the presence of such disgusting orgies would still dare even to name the celebrated 'Law of guarantees'! He who was the head of the usurping government has already appeared before his Judge. Concerning him we will be silent, imitating the generous magnanimity of the common Father of the faithful, who prayed for his despoiler. It must be admitted, too, that the unfortunate monarch, who was popularly called

'Il Re Galantuomo,' had not entirely lost the recollection of the traditions of his family; a smouldering spark of faith must occasionally have made him deplore the excesses caused by his ambition and the revolutionary whirlwind. Does that spark glow in the heart of the present king? We would fain believe it, but the general belief is to the contrary, which in truth has not been lessened since the accession of the new sovereign. His father's heart had scarcely ceased to pulsate ere the death was published to the universe; still the name of God does not even make its appearance in the first public document of the successor. There are very few governments whose rulers would dare make an omission of this kind, under such solemn circumstances. Did they neglect alluding to Providence, they would dread being found wanting in respect to what is a matter of universal belief.

"The foregoing digression has, however, carried us away from the question at issue, and which is simply this: Is any compromise possible between the Papacy and the Revolution? From what precedes it is evident that the answer can only be negative. What, then, is to be done? We must continue to protest, until the hour fixed by God shall have struck; until then, doubtless, trials may be severe. Catholics will have the sorrow of seeing the common Father abandoned to the most shameful outrages, perhaps even may he be forced into exile; but the Pope will be followed into exile by the homage greater than ever of all his children, and of all who know how to appreciate all the grandeur of suffering for justice's sake; such a spectacle would be less painful than to see the common Father of the faithful laying down himself his triple crown at the feet of a government of adventurers. Such a degradation of the Papacy has never been witnessed, it never will be: for its mission is to incite all nations to emancipate themselves from human servitude by their submission to the law of perfect liberty. Thus the Pope, by refusing to consent to his own dethronement, saves those even who thought to save him, by advising him to sacrifice his crown to the revolutionary Moloch. He restores hope

to those whose minds have reason to be alarmed at the general weakening of authority. He points out to those who were blinded the only power capable of presiding over the preservation of Christian liberty and civilization, and of rebuilding their ruins, if they be momentarily destined to shipwreck. Yes, the Papacy alone can heal modern society, because alone it can apply the remedy to the evil. The great misfortune of governments at the present time is that they completely forget, at least in practice, the fact that Providence watches over human destinies. What happens then? Man sees himself only, and lives for himself only. All thought of responsibility disappearing, it is not astonishing that excitement should be continual, for each one strives to supplant his neighbor. The absolutism which to-day says, 'The State, it is myself,' will be overthrown to-morrow by the underhand plotting of the middle classes, which will say to the nation, 'We are elected by you;' and as the revolution is fated to devour its authors, the new masters will be replaced by others who will arise from the recent social strata. They in turn will cry out, 'Down with the reactionists,' who strive to hinder the onward progress of the revolutionary car which they have set in motion. Thus it is that the street democracy will enjoy its ephemeral triumph, under the rule of an executioner, who will also say, in his turn, 'Order and liberty, they are myself! woe to whomsoever doubts it.' There communism shows itself at work; such is the inevitable consequence of the complete forgetfulness of religious ideas in governmental spheres. A celebrated socialist of our era said as much to statesmen: 'According to you,' said he, 'there is no longer a church; you have taught me that Christ is a dream. I do not know if there be a God; but I do know that those who made the laws do not believe much in Him, and that they wrote their laws as if they did not believe in Him at all. Therefore I want my share of land. You have reduced everything down to gold and dung; I want that gold and that dung. You have not left a paradise for me in heaven; I want my paradise upon earth.'

This is the fatal consequence which must be drawn from modern politics. God has been dethroned; man, with his egotism, will take his place; he may well curb the brow, which brutal force will impose upon him; in mournful silence he will await his turn to make himself of the same force. Thus, can there be any astonishment that society should find itself in a condition of personal anarchy? Where is to be found the remedy of so many evils? In a return to those principles which modern nations have abandoned; in the practical knowledge of those first truths of Christianity, the deposit of which has been confided to the church, whose infallible head is the Pope. The first of these truths is thus conceived: there is but one God, the Creator, the Legislator and Sovereign Lord of all beings, especially of man, whom He has placed at the head of creation. It is He who has brought forth from one couple, formed by His hands, the high and the low, kings and subjects, loving all alike. Such is the first article of the Evangelical charter; it alone can establish among men the reign of true equality, fraternity, liberty; these three words have no meaning in the mouth of those who hold that the origin of the human race is uncertain, and especially in the mouth of those who have the impudence to show us that origin in the shell of the oyster, or the hide of the ourang-outang.

'Anti-Christian liberalism has seized upon these three magic words in order to lead multitudes astray and excite them to the bloody orgies of an uncontrolled despotism. The Christian principle alone, interpreted by Him who occupies the place of Jesus Christ on earth—this principle alone will be able to bring order out of the chaos of modern ideas. According to this principle, civil power is a divine commission, but very honorable, doubtless, but also very enslaving. He who acts under this commission is elevated above all others, but he must also watch over the interests of all; his authority must be respected, otherwise he could not fulfil his mission, which consists in maintaining order and tranquillity throughout the limits of his jurisdiction; and in doing this he must intimi-

date those who wish evil, and protect in all the freedom of doing what is right, which freedom is the only one recognized by the Gospel. This order, this tranquillity, this evil, this good—all these are not words whose interpretation the church of Jesus Christ leaves to those in power; she defines them clearly for a conscience which does not wish to be blinded. She declares that the rights of rulers are sacred; but she declares that their duties are just as inviolable, and she is not sparing in the most terrible menaces if, unmindful of the obligations of their trust, they seek power merely to obtain the liberty of enjoyment. Such are the general principles which the church has received the mission of making known to nations as well as to their sovereigns, to rulers as well as to the governed; and if these principles be correctly applied, the double danger of anarchy and despotism is averted. In matters of detail the church is silent; whether universal or limited suffrage be adopted, or any other measure be taken to insure the transmission of power, everything will be approved, provided fundamental principles are respected. Political constitutions will be good when they will no longer be the work either of assemblies incapable of knowing what they are about, or of ambitious men who know only too well what it is incumbent on them to do for their own self-interest. Good sense and true patriotism must attend to details in the information of an electoral system as simple as it is worthy of a free people. The church has received for her mission the promulgation of the general principles of the origin of power; this expression, power or right divine, provokes a disdainful smile to show itself upon the lips of the pretendedly strong-minded; still, they cannot deny that power comes from God, whatever may be its mode of transmission. They cannot deny that Jesus Christ has laid down laws which were destined to adapt themselves to all the relations of human life; these laws were to be obligatory for the monarch as well as for the subject, for the ruler as well as for the governed. If Jesus Christ has left a law for the world, is it not evident that he must have left it in the keeping of

some one? He has left a government and a head to represent Himself; this representative, who is the Pope, must be able, in all freedom, to give the instructions necessary for the good of the universe; for this reason must He be independent and, therefore, sovereign. Catholics, scattered throughout the five parts of the globe, can consent to see above the Pope none but the Divine Spirit, promised by Him whose Vicar upon earth is the sovereign Pontiff.

“Before concluding, it is important to develop an idea which has been cursorily pointed out. We have said that the temporal power is necessary to the Papacy for the preservation of Catholic unity; if the sovereign Pontiff be the subject of any government, whatsoever his decisions, they will not be accepted by other States. Why? It has been shown that in such event his decisions would be considered as having been dictated under the influence, more or less direct, of a rival nation. But it will be said, for nearly eight years the Pope has been despoiled of his temporal sovereignty and still the universe submits to his laws. Yes, but the Pope has not abdicated his crown; he is still king *de jure*, although captive *de facto*. Human malice may shackle his liberty for a time, but in protesting against injustice he continues to be king. His throne may be at Savona, at Fontainebleau, at Gaeta, or in the Mamertine prison even. Was not the throne of the Master established for a time in the prætorium of Pilate, and on Calvary’s mount? Catholic unity, therefore, runs not the slightest risk of being compromised in the present situation of the Papacy. But the case would be different if, instead of remaining captive in his own dominions, the Papacy were to abdicate its independence by a compromise; then each State would have its national church, that unity which is the most essential characteristic of Christian society would disappear; there would spring up as many Popes as there would be heads of governments. It is evident, therefore, that the temporal sovereignty is indispensable to the Vicar of Jesus Christ in order to preserve Catholic unity; in order to enable him to preach the law of perfect liberty to the univer-

sality of nations, of families, and of individuals, in spite of all despotisms, in spite of the Moscovite despotism, which tells him, 'Go perish miserably amidst the frozen regions of Siberia;' in spite of the Prussian despotism, which would fain compel him to kneel at the feet of the State God; in spite of the Asiatic despotism, which says to him, 'I will have you butchered by my executioners;' in spite of the revolutionary despotism which cries out to him, 'Die, for it is thou who preventest me from devouring the masses in peace, in the name of liberty.' When the Papacy will enjoy full and entire independence, it will exercise its beneficent influences on all classes of society; then will a marvellous revolution be seen to come over the forces which at present are conspiring to extirpate by fire and sword the remaining vestiges of Christian civilization. Whence arises that incredible fever for destruction which ferments among popular masses? It proceeds from despair of ever obtaining anything but cruel disappointment from that society calling itself liberal, which, for nearly a century already, during which it has gone on from revolution to revolution, has not ceased to give exactly the reverse of what it promised in equality, in fortune, and in enjoyment, constantly becoming more marked, in lieu of that equality so often promised. And, instead of universal brotherhood, wars as deadly as they are costly and barren, ushering in their wake at the present time, preparations for a war of extermination. The motto of the Pope just deceased was as follows: '*Crux de cruce.*' The prophecy has been literally fulfilled. Heaven grant that we may be allowed to witness the realization of that of the Sovereign Pontiff, whose advent the church impatiently awaits, and whom the Holy Ghost will assuredly grant her speedily, '*lumen de celo.*'"

Mr. Bermudez commenced life with but slender means, and has, by his own unaided exertions, accumulated a handsome independence, never owing a debt. His intellect matured and developed by the Jesuit fathers, who as mind-trainers have no equals, he began his career peculiarly fitted by his training and tem-

perament for the profession of the law. There is no short road to eminence in that arduous profession, and the fruition of its honors and rewards is the result only of constant application. Earnest and intense study, aided by brilliant talents, and an unusually keen insight into the complex and intricate motives which govern the human mind, enabled him rapidly to achieve high distinction in that science which adjusts the rights and remedies the wrongs of society. As a civilian—in contradistinction to a common lawyer—he has but few equals and no superior in Louisiana. Thoroughly familiar with the ancient Roman and modern French law, from which the civil law of Louisiana derives, his practice has been mainly in the civil branch of his profession, and it is pre-eminently as a "civilian" that he has attained to such eminence in the legal world of Louisiana, although he has also had lengthened experience in commercial law. His acknowledged main characteristics are prompt perceptive faculties, and strong analytical powers, which enable him in complicated cases at once to grasp and master the subject in its entirety and significant details, and instantly to determine the most effective means for attacking or defending. As an advocate, he is clear, learned, concise, logical, terse, forcible, convincing; as a speaker, he is dignified, chaste, impressive, unyielding; as an orator, he is brilliant, ardent, sincere, persuasive, almost fascinating, controls and sways. No one can listen to him without great interest and pleasure, without feeling for him and with him, to the full extent of his own earnest convictions. His practice is largely among the old creole population of New Orleans and Louisiana, from whom he is himself descended. He has sat several times as a Special Judge in recused cases, and it is generally understood that the highest position in the judiciary of his native State will be his if he chooses to accept it. Among those who have studied law in his office may be mentioned gentlemen of distinction at the bar, such as Associate-Justice White, of the Supreme Court of Louisiana, son of Governor E. D. White, of that State; Charles F. Claiborne, a very tal-



ented and learned member of the Louisiana bar, and grandson of Governor Claiborne, the first Governor of the Territory of Orleans and of the Territory of Louisiana; and Charles Louque, the author of the last Digest of the Supreme Court decisions of Louisiana.

An accomplished scholar and linguist, he speaks Spanish, French, and English fluently, and even Latin. Self-reliant in the consciousness of his great abilities and fertile in resources, the comprehensive grasp of his mind makes him the master of every situation. High-minded and conscientious, of scrupulous honor and spotless integrity, he possesses a dignity of character and suavity of manner which stamp him, par excellence, as a representative of the best elements of the old creole race.

Mr. Bermudez is fond of travelling in the old world, and has made no less than seven trips to Europe, where he generally passes the summer months resting from winter toils, and visiting at different times all the historic points of interest on the continent—Paris, Rome, Marseilles, Bordeaux, Venice, Naples, Vesuvius, and the ruins of Pompeii, where he was present while the excavations were in progress. On a visit to Rome, in 1870, he had a private audience with the late Pope Pius IX., by whom he was created a Knight of the Order of Pius IX., the only member of that order in America; a signal honor of which he considers himself wholly unworthy. When in Europe, Mr. Bermudez and his family were on terms of personal intimacy with the ex-Queen Isabella of Spain, and with King Alphonsus and his sisters, the Infantas Pilar, Paz, and Eulalia, with whom his eldest daughter, Alzire Bermudez, completed her education at the Convent of the Sacred Heart, at Paris, where numbers of children of the nobility finish their studies. At the instance of King Alphonsus, Mr. Bermudez on one occasion explained to him the concurrent working of the Federal and State governments in this country.

Mr. Bermudez was married in June, 1853, to Miss Amanda de Maupassant, a lady of French descent, and has five children living. His eldest son, Edward J. Bermudez, studied law

at Columbia College, New York; under Professor Dwight, and was admitted to the bar of that State, and after admission to the Louisiana bar is now practising law in New Orleans.

REV. W. H. RUFFNER.

VIRGINIA.



WILLIAM HENRY RUFFNER was born in the year 1824, at Lexington, Va. He is a son of the Rev. Dr. Henry Ruffner, the founder of the Presbyterian Church at Charleston, W. Va., President of Washington College, Lexington, and author of numerous well-known theological works. He was educated at Washington College, from which he graduated in 1842, but remained as resident graduate a year longer. From 1843 to 1845 he employed himself in the manufacture of salt on his father's estate near Charleston, Kanawha county. He next devoted a year to the study of theology at the Union Theological Seminary, Hampden-Sidney, Va., and another at the Princeton Seminary, New Jersey. From 1849 to 1851 he was Chaplain of the University of Virginia; and from the latter year to 1853, Pastor of the Seventh Presbyterian Church in Philadelphia. While filling this pastorate he published a work entitled "Charity and the Clergy," which appeared as a part of what was known as the "New Themes" controversy, which freely criticised the practice of the church and its clergy and led to warm discussion. Returning to Virginia on account of his failing health, he engaged in farming, preaching only at times, but writing a good deal, if not as much as ever. It is as a writer, indeed, that he is chiefly known outside of his State and church. He was a leading contributor to Dr. Stuart Robinson's *Presbyterian Critic* in its day, and has written much and admirably on social and theological subjects in other publications. The subject that perhaps has called forth the finest efforts of his pen, however, is public education, which he has ably served not with pen alone. Of this Virginians at least do not need to be told. Before the war Virginia had no

efficient public school system. After the war the State Convention which assembled in 1867-68 under the Reconstruction Acts, framed a constitution that provided for a general system of public schools, to be supported by taxation, State and local, supplemented by the interest on the literary fund. The first Legislature that met after the adoption of the constitution gave effect to this constitutional provision by electing him, in 1870, as the first Superintendent of Public Instruction in the Old Dominion. The words *gave effect* are used here advisedly, for in electing him the Legislature virtually executed the whole provision, since he at once shouldered the work and carried it through. Within thirty days after his election he submitted to the Legislature a complete school law, which is still the school law of the State, and one of the best in the Union; and, on the passage of the law, proceeded without delay to organize the school system under it, proceeding with such energy and ability that at the end of the first year, 1870-71, he reported one hundred and fifty-seven thousand children (white and colored) in the public schools, an increase of nearly one hundred thousand over the attendance of the year before, the enrolment of whites being more than doubled, while that of the colored pupils was quadrupled. And the schools have ever since steadily improved, and steadily increased in attendance until, in 1877, the whole number of pupils enrolled amounted to two hundred and five thousand, exclusive of some twenty-five thousand in private schools. Such being the fruits of his administration, it is scarcely necessary to say that at the expiration of his term of office in 1874 he was re-elected for another term of four years; so that he is at this writing still at the head of the public schools of Virginia. It was fortunate, indeed, for the proud old commonwealth that the organization of her school system fell into his hands. The task involved an immense amount of work, in a sparsely settled country, with small means, and against strong prejudice on the part of the old land-holders; and, furthermore, was complicated with the difficult question of the two races.

It is almost certain that the administration of the system in the hands of any other man likely to have been selected would have been a lamentable failure, as it has been in some of the Southern States; for the whole subject was new to the people, and there were few men in the State of high administrative ability who at the same time were thoroughly acquainted with the science of education, and exactly fitted by nature for the work, as he unquestionably is. Under the embarrassing conditions imposed by the situation, and in the face of all obstacles, he has established the system on a firm foundation; and, though opposition still exists, and murmurs are still heard, there is no feature of the State government now more strongly rooted in the affections of the people of Virginia than the public schools. Meanwhile, his literary powers, as already implied, have efficiently seconded his administrative powers, his official reports being among the ablest of the kind that have appeared in this country. In addition to these, he has from time to time published a number of papers on the subject of public education in the columns of the Virginia press or in pamphlet form, of which the most notable, perhaps, is a series of letters, appearing originally in the Richmond papers and the *Educational Journal of Virginia*, in reply to an attack on the public free school system by the Rev. Dr. R. L. Dabney, of the Union Theological Seminary. The letters of this series have been republished in a collected form, and present one of the most convincing and triumphant defences of State education ever made in our own or any other country. Upon the whole, he must be acknowledged to stand in the front rank of the public educators of his time.

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DR. J. G. BELDEN.

LOUISIANA.

**J**AMES GRIDLEY BELDEN was born, September 22d, 1822, at Moscow, N. Y. The Belden family is of English descent, their ancestors having emigrated to this country about the year 1640,

and settled in Hartford, Conn. John Belden, the grandfather of the subject of this sketch, was an officer in the Revolutionary war. Ebenezer Belden, his son, who was born in Hartford, Conn., removed to New York city, where he formed a partnership with his maternal uncle, Noah Webster, LL. D., the great lexicographer, as publishers of the numerous educational works written by the latter, and proprietors of the New York *Spectator and Advertiser*, one of the earliest journals issued in the Empire City. He had also large shipping interests, but meeting with severe losses, sold out his interest in the publishing house, and removed to western New York, where he married Jane Whitall, a member of an old and wealthy Quaker family whose ancestors came over with William Penn and settled at Red Bank near Philadelphia. His sister was the wife of Dr. West, of the United States army. After his marriage, Ebenezer entered into an extensive mercantile business, trading largely with the Indians, then in considerable numbers in that State, and established a branch store at Queenstown, Canada. He owned five different stores, and at one time was the most extensive trader in that section of the country. On the breaking out of the war of 1812 he was residing in Canada, but though opposed to the war, and strongly urged by the British officers, among whom he was a great favorite, to take the oath of allegiance to the British crown, he declined to forsake his native country in time of war, and at great pecuniary sacrifice abandoned his store in Canada. He was so universally popular among the Canadians that it is said he was promised the Governor-Generalship, if he would consent to become a British subject. The sudden close of the war, and the great losses he had sustained in Canada, threw his affairs into such confusion that he had almost to commence life anew. He set himself vigorously to work, however, to recuperate his losses, and had just entered on a fresh career of prosperity when he died, in 1827, at Batavia, N. Y., leaving five children, four of whom were sons. Of these the Rev. William W. Belden is now a Presbyterian minister at Gloversville,

N. Y.; while John Whitall Belden, the eldest, and Joseph W. Belden, the youngest son, are in California. One of Dr. J. G. Belden's cousins was the wife of Governor Ellsworth, of Connecticut, who was the son of Chief-Justice Ellsworth; and another, Dr. Pinckney W. Ellsworth, is now one of the leading surgeons in Hartford, Conn.

James G. Belden, who was but five years of age when his father died, received his primary education in the public schools of New York and Hartford, Conn., and then spent two years at the Westfield Academy, Westfield, Mass. He took a partial course at Harvard University, and attended lectures in the Medical Department of that college. He studied medicine under Dr. Winslow Lewis, of Boston, for twelve months, and as a student attended the Massachusetts Hospital. He afterwards spent two years in the office of Dr. G. M. Taft, of Hartford, Conn., and then went to New York, where he entered the medical school of Dr. John A. Whittaker, an Irish physician, who at that time had 175 students in preparation for college. He then attended a course of lectures at the College of Physicians and Surgeons of the University of New York, from whence he graduated M. D. in March, 1846. In the fall of that year he went to Mobile, Ala., where he commenced the practice of medicine, and after a year's residence removed in October, 1847, to New Orleans.

After graduation his attention had been drawn to Homœopathy by observing the successful results it had achieved in the families of some of his intimate friends. Having studied the subject exhaustively, and instituted some searching experiments, he commenced its practice, satisfied that, properly applied, it was a vast improvement in the art of healing. When Dr. Belden commenced the practice of Homœopathy there were probably not more than 100 physicians of that school in the United States; they now number over 5,000.

Homœopathy—derived from two Greek words signifying similar affection—is applied to that practice in which the group of symptoms producible by the medicine is similar to that presented by the disease. It is based upon the

obvious property of diseases, and the obvious property of drugs, and ascertains by observation alone the curative relation between these two classes of properties. A class of facts obtained from healthy persons expresses the morbid properties of each article of the Homœopathic materia medica; another class of facts obtained from the sick expresses the therapeutic properties of the same agents; a comparison of the two classes establishes as a universal law *similia similibus curantur* (like are cured by like). Again, the facts of each individual case of disease determine the remedy to be selected in accordance with this law. The three grand doctrines of Homœopathy are: first, the law *similia similibus curantur*—medicines relieve affections similar to those which they are capable of producing; secondly, the doctrine of *dose*—small doses are most safe and efficacious; thirdly, the doctrine of *potence*—medicines are peculiarly powerful after being subjected to sufficient friction or succussion with a suitable quantity of some inert substance. Hahnemann's small doses operate, first, because they act directly on the disordered parts; secondly, because they act in the right direction; thirdly, because disease renders the parts peculiarly sensitive to the appropriate medicines; and, fourthly, because the power of the medicine is exalted by a peculiar mode of preparation. The great therapeutic power and value of their preparations denominated potentized medicines the Homœopaths claim to consist in the superior intensity of their power of acting Homœopathically, *i. e.*, like the disease. This is caused by Hahnemann's process of unparalleled comminution, which develops latent medicinal power in the interior of a group of molecules; at the surface only is it free and active: by division the interior becomes surface, the latent becomes active. In any medicine so prepared as to admit of administration in the minutest doses, the process of reducing the dose has necessarily effected such a physical change in the drug, as to augment its curative power to an extent incredible to all who have not experienced or observed its effects in medical practice. The Homœopathic physician,

before he can be recognized as such, is required to possess as thorough knowledge of every branch of medical science as the most respectable portion of his Allopathic brethren, and has gone through a regular course of Allopathic study under Allopathic professors, and has been declared duly qualified to practise medicine by Allopathic boards of examiners. The advocates of the doctrine claim that every physician who has fairly, fully, and practically examined Homœopathy has adopted it, and that as a system it is inferior to none of the physical sciences in the strictness of the investigations on which it is founded, and the extent of the benefits it is destined to confer on mankind.

Although an entire stranger to New Orleans, without friends; and without recourse to advertising, Dr. Belden soon gathered round him one of the largest and most lucrative practices in the "Crescent City." He was always a strong supporter of the Union, and opposed secession in any form, but he was an advocate for negro slavery because he was satisfied from reading, observation and personal experience that the African was intellectually, morally and physically, a better being under the system of American domestic slavery than he ever had been in his native country. As early as 1856, in the Presidential campaign which resulted in the election of President Buchanan, he had ample opportunity for observing the intense excitement that prevailed in the South against the advocates of abolition, while on visiting the North he found a corresponding intolerance of the defenders of slavery. When stopping at one of the hotels in the State of New York, he was asked by the proprietor, who knew that he was from the South, whether he owned any slaves; and upon being answered in the affirmative, the hotel-keeper threatened to thrash him, saying he would have no man who practised or advocated slavery in his house.

After the election of President Buchanan, this feverish excitement subsided only to be renewed with tenfold vehemence in 1860. Dr. Belden was opposed to secession because he foresaw its failure, and partly because he desired to preserve the institution of domestic slavery for the mu-

tual advantage of slave and master. He did not consider the institution, by any means, a perfect one, but thought that reforming some of its admitted evils was more likely to preserve it than going to war in its defence. From the first he perceived that a system founded on human bondage was bound to encounter the opposition of the civilized world, whenever the issue was made.

Like a man with a faulty title to an estate, so long as the case was not brought into court, no question could be raised, but whenever it came to be argued on its merits, the decision was sure to be against it. When the first gun was fired at Fort Sumter, he remarked: "That is the death-knell of slavery!" From his birth, education and frequent travels through the Northern and Eastern States, he thoroughly understood the nature, spirit, genius and power of the Northern people, and was satisfied from the outset that in a contest between the two sections, the South was bound to fail. He regarded warfare as largely a mechanical science, and, therefore, that whichever side possessed the most efficient machinery would be sure to prove the victor in the end. He clearly perceived, however, that neither side appreciated the gravity of the contest in which they were about to embark, and while he smiled at the inadequacy of the 75,000 men called for by President Lincoln, which in his judgment should have been 300,000, he ridiculed the inefficiency of the loan of \$15,000,000 called for by President Davis. The latter he considered a far-seeing statesman, properly appreciating the situation, should have made \$200,000,000, a sum equally easily raised. With that sum, 500,000 men could have been raised and stationed in Kentucky and Maryland, and an efficient navy purchased in Europe, with ample munitions of war. By such energetic measures only could the South in his judgment have any prospect of success. Dr. Belden took no part in the war, but attended the Confederate and Federal soldiers alike, from motives of humanity, whenever he was brought in contact with either. In 1862, when New Orleans fell into the hands of the Federals, he gave up for a time the practice of his profession, and operated

largely in mercantile transactions, mainly in cotton and sugar.

In 1864, on the reorganization of the State government of Louisiana by the Federal authorities, he was elected, with but little opposition, State Treasurer for the term of two years. In addition to holding that office, he was Receiver of the Land Office and a member of the Board of Currency, of which, in consequence of the absence of the President, he had practically the control. He was afterwards urged to accept the Executive chair of the State, but declined. This is the only occasion in his life in which he has had any official connection with politics, from which he has studiously held aloof ever since. In 1866, having in his later operations sustained heavy losses, he retired from his mercantile business and resumed the practice of his profession, to which he has devoted himself ever since. He took no part in the political turmoils that rent Louisiana in twain from the days of Reconstruction to the recognition of the Nicholls Government by President Hayes in 1877, believing that there was a peaceful way of righting the wrongs the people were suffering under from their profligate carpet-bag rulers. He has seldom taken the trouble to vote, but when doing so, has always voted the Democratic ticket, because he could not support the unprincipled adventurers who claimed to represent the Republican party.

In 1878, after an unusually warm, wet spring, in the heat of a summer month, yellow fever appeared in New Orleans. Assuming at the very outset a very malignant type, spreading rapidly and attacking a class of residents—the creole citizens—who had heretofore believed themselves exempt from its influences; such results, with that of its virulence among children, caused a greater panic than was ever produced by any former epidemic in the Crescent City. Long general depression of business, preceding that usually prevailing during the summer months, found many thousands of families badly prepared to provide all the concomitants indispensable in contending with so distressing and devastating an enemy. In August, in conse-

quence of the great success that had attended the Homœopathic treatment of the disease, repeated and urgent calls, both from the city and adjacent districts, to which the fever was rapidly spreading, were made upon Homœopathic physicians of known liberality, and upon prominent friends of the practice, for medical aid and assistance in treating the fever Homœopathically. This assistance most of the applicants were totally unable to pay for, and it was impossible for them to obtain it by application to any then known Charitable Association. It was accordingly determined to organize the New Orleans Homœopathic Relief Association—consisting of the local physicians and numerous laymen of that practice—of which Dr. James G. Belden was chosen President. On the first of September, when the fever was near its highest point of prevalence, an appeal was addressed to the friends of the practice abroad, and to the public generally, for funds to carry on the work. By the generous benevolence of Northern sympathizers, money, medicines, food, delicacies and clothing were promptly supplied, thus enabling the Association to render not alone medical aid and care, but also to extend material relief and comfort to many distressed applicants. Calls for medical and material aid poured in from all parts of the city, and from Dry Grove, Canton, McComb City, Tangipahoa, Bay St. Louis, Cheniere Caminada, and numbers of other towns, hamlets and villages in the interior fever districts. To meet those from the interior, a corps of Homœopathic laymen, more or less conversant with the treatment of yellow fever, was organized, who, under the advice of the associated physicians, and guided by the circular of Homœopathic treatment of yellow fever prepared by Dr. Belden, rendered invaluable service in meeting and contending with the fever in its worst form. In addition to extending the work through their physicians, laymen and nurses into seventeen towns and villages in Mississippi and Louisiana, the Association transmitted their circular of treatment with needed medicines to many hundred families living beyond the reach of medical aid. The total number of yellow

fever cases treated Homœopathically under the auspices of the Association by the assisting physicians, laymen, nurses and heads of families was 5,640—of these, 3,184 were within the limits of New Orleans, and 2,456 were in towns, villages and hamlets in adjacent fever districts, mainly in Mississippi. Of the 3,184 treated in the city, 164 died—a mortality of  $5\frac{2}{10}$  per cent. Of the 2,456 treated in outlying points, 174 died—a mortality of 6 per cent. Of the entire number treated, 2,953 were reported as under fifteen years of age, with a loss of 124 cases, and a mortality of  $4\frac{2}{10}$  per cent. So far as the reports distinguished as to color, 560 cases were negroes and mulattoes, of whom 14 died—a mortality of only  $2\frac{5}{10}$  per cent.; 231 cases of black vomit were treated by physicians and laymen, of which 173 recovered. The last item speaks volumes for the success of Homœopathy in controlling that special stage of yellow fever which is generally deemed a fatal one by the Allopathic school of practice. Numbers of cases in the last stages of the fever—black-vomit or collapse—left by physicians of other schools, were reluctantly taken charge of by Homœopathic physicians and laymen, but successfully treated and eventually cured. By this means confidence in the Homœopathic treatment was instilled into numbers both in New Orleans and the interior districts, thereby eliminating from the minds of thousands of residents of the fever districts much of the dread and consequent danger of yellow fever.

The total number of cases reported in New Orleans during the epidemic of 1878 was 23,540, with 4,046 deaths. The Homœopathists claim for its practice the merit of having reduced the mortality in yellow fever to a rate not greater than that of many other severe diseases. Dr. Belden prepared the circular for Homœopathic treatment of yellow fever, which was issued and distributed with medicine by the Homœopathic Relief Association during the epidemic in New Orleans of 1878. He also published, in common with many other Homœopathic physicians, a report on the "Yellow Fever Epidemic of 1878," in which he notices certain peculiarities

of that summer; first, there was almost an entire absence of wind during the months of July and August, and the nights, instead of being breezy and refreshing as the summer nights usually are in New Orleans, were hot and stifling, the thermometer frequently standing at 91 Fahrenheit at 8 P. M., though the temperature of the day was not so warm, by three or four degrees, as in former years. There was also a strange absence of thunder-storms, but one of any note occurring during the entire summer. The disease was of a peculiar character, differing in many respects from that of former years. The type was less inflammatory, there was less pain in the head and limbs, and although apparently less formidable, was in reality more treacherous than in any epidemic he ever remembered. There was great tendency to congestion of the kidneys, suppression of the urine being a very common symptom. Black-vomit was also of unusually common occurrence; but in Dr. Belden's experience, more than two-thirds of those cases recovered. Another peculiarity was the number of children attacked—particularly of children born in New Orleans. Yellow fever seems to depend upon certain meteorological conditions, and if not produced, at least can almost surely be predicted by them. The yellow fever has seldom appeared anywhere without having been preceded by prolonged heat and peculiar electric conditions of the atmosphere, together with certain local circumstances, liable to produce disease at any time. It has been found by the records of former years in New Orleans that whenever the earth has been turned up and exposed to the heat of the sun in summer, it has been followed by an epidemic. During the summer of 1878 streets and gutters were in an unusually filthy condition; vacant lots were filled up with garbage, and fresh earth, garbage and other objectionable material were dumped in Tivoli Circle for the purpose of forming a foundation for the Lee Monument. Numerous ponds were left undrained along the levees, partly filled up with rice chaff, dead animals and other refuse matter, calculated with the stagnant water under a sun of 145 degrees to generate a

miasma full of poison. In order, as it would seem, that the full effect of the poison eliminated might be brought to bear upon the inhabitants of the doomed city, the authorities unfortunately ordered these ponds drained, consequently causing the poisonous miasma to be evaporated and carried up into the atmosphere. The wharves also were denuded of their plank covering, and the unimpeded evaporation of the accumulated filth there, and the more thorough poisoning of the air breathed daily by the people, was the natural consequence. While the summer was not unusually hot, the highest temperature being 96°, owing to the almost entire absence of wind, the nights were very uncomfortable; the small amount of electricity was another noticeable feature. These circumstances had undoubtedly a great deal to do with the prevalence, virulence and fatality of the epidemic. After discussing at length the question of importation, Dr. Belden sums up as follows:

“We do not need any visitor from foreign ports to bring us this pest; we have it in the bosom of our own soil, and only need certain hygrometric and electric conditions of the atmosphere, an absence of wind, a sufficient quantity of humidity (without thunder-storms), a lack of ozone in the air, plenty of filthy gutters, rotten vegetables *ad nauseam*; and we can have the yellow fever at any time, if all our foreign friends neglect us, and never send another case to our shores.”

Although a native of New York State, Dr. Belden has been for thirty-two years a resident of Louisiana, and during that time has experienced almost uninterrupted good health, never having lost a day's practice during the last twelve years from sickness. This speaks volumes for the salubrity of the climate of the Pelican State, and proves it to be as healthful as the most favored State in the Union.

Dr. Belden was married, in March, 1852, to Arabella Treat, daughter of H. H. Treat, of Buffalo, N. Y. Her family, which is of French descent, emigrated to this country during the French revolutionary war and settled in Philadelphia, where they now own a large quantity

of real estate. She is the grandniece of the Marquis de Bailet, a French nobleman. Her grandfather's uncle was at one time in prison with Josephine Beauharnais, afterwards Empress of the French, and was afterwards beheaded. Dr. Belden has six children, four daughters and two sons, the eldest of whom, J. Webster Belden, has displayed great genius as a sculptor, and is now studying his profession in New York.

HON. R. M. T. HUNTER.

VIRGINIA.

**R**OBERT MERCER TALIAFERRO HUNTER was born in Essex county, Va., April 21st, 1809. He graduated at the University of Virginia, and, having attended the law school of Judge Henry St. George Tucker, at Winchester, returned to his native county in 1830, and commenced the practice of law shortly after he reached his majority. Drawn into politics soon afterwards, he was elected, at the age of twenty-five, to the House of Delegates as an opponent of the proclamation and force bill of Jackson, for whom as a Presidential candidate he had cast his first vote. He served in the House of Delegates for two terms, and was elected for a third, but did not take his seat at the latter session, as in 1837, his political aptitudes and abilities having been manifested, he was elected the Representative of the Essex district in Congress, entering that body at the extra session called by President Van Buren to meet the embarrassments of the treasury occasioned by the general suspension of specie payments. He promptly sided with the President in his recommendation of the independent treasury scheme as the fittest mode of meeting these embarrassments, and in his first speech, delivered in October, 1837, ably vindicated that measure, developing at the same time those principles of free trade to which he has ever since consistently adhered. At the next session of Congress he renewed his advocacy of the independent treasury bill, discussing exhaustively the subjects of

banking and finance; and, at the closing session of the same Congress, followed up the discussion with a report, as chairman of a select committee, reviewing and sustaining the principles advocated in his speeches. In the following Congress he was elected Speaker, receiving at the close of his term of service the usual vote of thanks without a dissenting voice, although the House was one unhappily distinguished for partisan bitterness. When Congress next met, the "hard cider" campaign had been fought and won, and he found himself and political friends confronted by a Whig majority under the leadership of Mr. Clay, whose whole system of measures, beginning with the loan bill and ending with the protective tariff, he energetically opposed. In 1843 he was defeated for Congress by a small majority; his adherence to the clause of the independent treasury scheme requiring the payment in specie of all dues to the government having given offence to some of his Whig friends; but at the next Congressional election, in 1845, he was successful, returning to Congress with the inauguration of President Polk, whose election he had advocated, and whose principal measures he warmly espoused, especially the annexation of Texas, which he had been amongst the first prominent public men to broach, having put forth the idea of immediate annexation in popular speeches as early as 1843, before the appearance of Mr. Robert J. Walker's letter on the subject. One of the first matters that came up in the Twenty-ninth Congress was the Oregon question, then in a somewhat threatening stage, and upon which he made a conciliatory speech of signal ability, its counsels, however, being overruled at the time, though prevailing substantially in the final settlement. At the same session he introduced and carried the bill retroceding Alexandria to Virginia; and, as chairman of the public buildings committee, introduced the bill extending the Capitol. He also supported at this session the incorporation of the warehousing system into our revenue laws. During the next session the famous Wilmot proviso was offered, requiring beforehand the interdiction of slavery in any territory which might



be acquired from Mexico in the treaty of peace then near at hand, a measure which, it is hardly necessary to say, he resisted by speech and vote, though he stopped far short of the extreme, to which some of his political associates were disposed to rush, of annexing the whole of Mexico. In this, as in other questions of the ante-bellum politics of the country, he showed a strong partiality for the golden mean and an instinctive recognition of it. In the winter of 1846-47 he was elected by the Virginia Legislature to the United States Senate, taking his seat in December of the latter year. Here, again, he encountered the Wilmot proviso, which reared its front higher than ever on the question of providing governments for the new territories, but meeting from him here, as in the other house, stern opposition. He, however, supported the "Clayton Compromise," by which governments were provided for the territories of Oregon, California, and New Mexico, based on the principle of non-intervention, leaving the question of slavery in the territories to be settled by the courts; and, in the same spirit of conciliation, he supported at the ensuing session the Walker amendment, extending the laws of the United States over California. He was also willing, and had actually voted in the course of the parliamentary mazes through which the question had been pursued, to extend the Missouri Compromise line to the Pacific ocean. In short, he stood ready, and so avowed, to agree to any fair compromise which should save the honor and the rights of the South. At this session the "Kossuth craze" reached the Senate, breaking out in the form of a proposition to suspend diplomatic relations with Austria because she had mistreated Hungary, a piece of false sentimentalism to which he applied with good effect the Ithuriel spear of Washington's sage policy. In 1850 he was made Chairman of the Finance Committee of the Senate, and held the position uninterruptedly until he withdrew from that body at the outbreak of the civil war. During the sessions of 1851-52 and 1852-53, besides taking a large and conspicuous part in the general debates of the Senate, as indeed he did throughout his service, notwithstanding the exacting and laborious nature of his special duties, he made, as head of the finance committee, a report on the gold and silver coinage of the country, in which he advocated what is known as the token currency, as also the bi-metallic standard, and reviewed the whole subject of coinage. He likewise initiated the reduction in the value of the silver coins of fifty cents and less, whereby their shipment to foreign countries was arrested. In the presidential canvass of 1852 he delivered before the Democratic Association of Richmond, at the request of that body, an address tracing the history of parties from the foundation of the government, and contending with great ability for the soundness of the States Rights doctrine. He was consulted by President Pierce, immediately after the election, as to the formation of his cabinet, being himself offered the choice of the places in it, with the suggestion of the Secretaryship of the Treasury, but he declined them all. On the expiration of his first term in the Senate he was re-elected, every Democrat but one in the Legislature supporting him, and half of the Whigs. The principal question before the new Congress was the Kansas-Nebraska bill, providing for the territorial organization of Kansas and Nebraska, and repealing the Missouri line. This measure he zealously supported. In the spring of 1855 he took the field in Virginia against the Know-Nothing party, making powerful addresses at Richmond, Petersburg, and other prominent places in the State, and contributing largely to the brilliant victory achieved by Wise as the Democratic candidate for the governorship. On the eve of the Presidential election of 1856 he delivered a masterly address before the New York Democrats at Poughkeepsie. In the session of 1856-57 he reported the tariff act of 1858, which he had framed, and which he followed into a committee of conference, or special committee, composed of Seward, Douglas, and himself, holding chief control over it there as elsewhere until its final passage. By this act the duties were lowered, and the articles used as raw material in manufactures placed on

the free list, the result being that in the second year of its operation the navigation returns showed a large increase, making the United States second only to Great Britain, and even manufactures were greatly benefited. In the course of the winter of 1857-58 he was a third time elected Senator by the Legislature of Virginia, only ten out of about one hundred and sixty members voting for other candidates. At the session of this winter he advocated the admission of Kansas into the Union under the Le-compton Constitution, and served as a member of the Committee of Conference that reported the "English bill," which was finally adopted.

On the occasion of the inauguration at Richmond of Crawford's statue of Washington, February 22d, 1858, he pronounced an oration perhaps the most eloquent and pregnant of his numerous excursions into the field of political philosophy. In 1860 he was one of the principal candidates for the Democratic nomination to the Presidency, receiving on several ballots at Charleston a vote next to that of Douglas. Among his closing acts in the Senate he offered, January 11th, 1861, a resolution authorizing the President to retrocede the forts and arsenals within any State upon the application of the Legislature or a convention of the people of the State, taking at the same time proper security for their safe-keeping and return or payment. An amendment to this resolution having been offered, he delivered an extended speech, in which he discussed all the important points of the crisis, declaring that the question was no longer one of Union, but of reunion, and that he offered his resolution as a means of promoting the eventual reconstruction of a confederacy already broken. At the expiration of the Thirty-sixth Congress he took final leave of his seat in the Senate, from which he was afterwards formally expelled. In the secession movement he took a leading part, and became Secretary of State on the resignation of Robert Toombs, of Georgia, resigning himself shortly after, on his election to the Confederate Senate, and being succeeded by Judah P. Benjamin. Although he acted as President of the Senate during most of

his service in that body, owing to the continued illness of Vice-President Stephens, he took, nevertheless, an influential part in the business of legislation, serving on the Finance Committee, and introducing, among other measures, the bill for levying a "tax in kind," which enabled the Confederate government to prosecute the war much longer than would otherwise have been possible, and proposing as well as advocating a scheme for converting treasury notes into bonds at such a rate of interest in coin as would keep the bonds, and consequently the circulation, at par, the notes and bonds being interconvertible. This measure was adopted by the Confederate Congress too late, however, to be of use. Another scheme urged by him, though without success, chiefly through the opposition of the Confederate government, was the trading of cotton with Northern speculators for ammunition, supplies, and so forth, at a time when it was clearly feasible.

In January, 1865, he was appointed, together with Vice-President Stephens and Judge Campbell, to proceed to Washington for "informal conference" with President Lincoln on the issues involved in the war, and "for the purpose of securing peace to the two countries." As, however, the letter of Mr. Lincoln, on which the appointment was based, consented to receive a commission solely "with the view of securing peace to the people of our one common country," the conference, it should seem, was a pre-determined failure. He, with his colleagues, met Mr. Lincoln and Mr. Seward on board a vessel in Hampton Roads, and went through with the forms of a conference and with as much of the substance as the situation permitted, and then returned to Richmond, where, the result being made known, a public meeting was immediately held, at which he presided, delivering a stirring speech, and by which resolutions were adopted in favor of prosecuting the war with renewed vigor. As one of the means of doing this, a bill was introduced in the Confederate House of Representatives the next day, authorizing the employment of slaves as soldiers, with freedom as a bounty. This measure, when

it reached the Senate, he opposed, but, being instructed by the Legislature of Virginia, afterwards voted for it, with an emphatic protest against it, insisting that it was a measure of weakness, instead of strength, since the slave, useful and contented as a laborer, would as a soldier generally desert to the enemy, subtracting his labor from the South and adding his service to the North, a view confirmed by the operation of the law already in force to enlist 20,000 negroes as teamsters, under which more had deserted than had enlisted. The bill was ultimately defeated in the Senate by one vote.

At the close of the war he was arrested and imprisoned for about five months; first on a war steamer in James river, and then at Fort Pulaski, a sickly station on the coast of Georgia. He was finally released on parole, and in 1867 pardoned by President Johnson. In the Presidential canvass of 1872 he supported Greeley, delivering, by invitation, a speech at Tammany Hall, wherein he warned the people that efforts were making by Grant and the Republican party to concentrate all political power in the Federal government, which, if pursued much further, must end in monarchy, whether so designed or not. In 1874, Virginia having been admitted to her rights as well as her place in the Union, he was a candidate before the Legislature for a seat in the United States Senate, but was defeated, Mr. Withers being elected. Subsequently he accepted the office of State Treasurer of Virginia, which he now holds.

In January, 1876, he addressed to the Hon. L. Q. C. Lamar, of Mississippi, a very able letter in behalf of the Texas and Pacific Railway, which, in view of late events, has been republished and widely circulated. He has recently contributed a number of valuable papers to political literature, and is now engaged in preparing a "Life of John C. Calhoun," whose views of government in the main he approves, and with whose "logic on fire" he has a strong intellectual sympathy, born of a kindred quality in his own logic. A biography in all respects worthy of the subject may be reasonably expected.

## HON. DAVID CLOPTON.

## ALABAMA.

DAVID CLOPTON was born in Putnam county, Ga., September 29th, 1820. The Cloptons are of English descent; two brothers of that name came over to this country some time previous to the war of independence, one of whom, William Clopton, was married and settled in New Kent county, Va., while the other, who was single, returned to England. From William Clopton, who was a planter, are descended all the families of that name in the United States, now distributed throughout Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Mississippi, Louisiana and Arkansas. There has been, as far as is known, but one member of this numerous family who ever resided north of Mason and Dixon's line, and he is a lawyer now, of New York, where he removed from Arkansas since the war. David Clopton, grandson of the above named and grandfather of the subject of this sketch, was a Virginia planter, and had four sons: Nathaniel, afterwards a physician in Virginia; Albert, a lawyer in Macon, Ga.; David, a planter in Louisiana, and Dr. Alford Clopton, father of the present David Clopton, who removed into Putnam county, Ga., when he was a young man. He was a prominent physician, several times a member of the Georgia Legislature, and president of a bank in Macon, Ga. He married, in Monticello, Ga., Sarah Kendrick, daughter of Martin Kendrick, of Washington county, and had five sons, of whom Martin K. Clopton, the eldest, served in General Lee's army during the civil war, and died from the effects of hardship and exposure soon after the battles of the Wilderness; James O. A. Clopton, the youngest son, a lieutenant in the Confederate service, was killed at the battle of the 21st of August, before Atlanta, while in command of a company; Nathaniel V. Clopton is now a planter in Butler county, Ala., and Albert G. Clopton a physician in Jefferson, Texas.

David Clopton received his primary education at the country schools in Putnam county, and at

the Edenton Academy, Edenton, Ga., until he was eleven years of age, when his father removed into Macon county, Ala., and settled in Vineville, where David attended school until his sixteenth year. He entered Randolph-Macon College, Va., in 1836, and graduated thence in 1840. Among his classmates at the college may be mentioned Rev. James Pierce, son of Dr. Lovick Pierce, of Georgia, who afterwards married Mr. Clopton's youngest sister; and Colonel James F. Dowdell, for three terms member of Congress from Alabama. He studied law under Hon. Absalom H. Chappell, at Macon, Ga., and was examined for admission to the bar before he was twenty-one years of age; but his license was necessarily withheld until he attained his majority, in the fall of 1841, when he was admitted. He commenced the practice of his profession in Griffin, Ga., where he formed a partnership with Robert S. Lanier, now of Macon, Ga. In 1844 he removed to Tuskegee, Ala., where he was associated for some nine months with Solomon L. Pope, who afterwards removed to Georgia. After practising by himself for some time, he entered into partnership, in 1847, with his brother-in-law, Robert F. Ligon, who had then just returned from the Mexican war. This partnership lasted for nineteen years, and was only terminated by the removal of Mr. Clopton to Montgomery, in 1866. In August, 1859, he was nominated, much against his wish, by his party for Congress. Both candidates occupied the same platform in their advocacy of secession, providing Abraham Lincoln should be elected President; but Mr. Clopton was a staunch Democrat, and had been a secessionist since 1852-53, when the compromise measures were passed, while Mr. Judge was an old-line Whig. In the election of 1857 Mr. Judge had been defeated by Hon. James F. Dowdell by only eighty majority, and it was felt that on this occasion the Democrats must bring forward their strongest man to insure success. One of the hottest and most exciting canvasses ever witnessed in Alabama ensued: Mr. Clopton was a most adroit stump-speaker, equal to every occasion, and his power over his audiences was wonderful; the

people followed him from town to town, and his great personal popularity helping to wipe out the Whig majority in Macon county, in which he lived, he was elected by a majority of 221 votes. He took his seat in Congress in December, 1859, serving through that session, returned to Washington in December, 1860, and when Alabama passed the ordinance of secession retired with the rest of the Alabama delegation.

In the spring of 1861 he volunteered as a private in a company of which Robert F. Ligon was captain, and which afterwards formed a portion of the Twelfth Alabama Infantry. The regiment was organized in Richmond, in July, 1861, and at once moved to the front, arriving at Manassas just after the first battle of that name had been fought. He remained with his regiment until November, 1861, when the people of his district elected him to the Confederate Congress. The permanent Confederate Congress met in Richmond, February, 1862, and after serving that term he was re-elected, in 1863, over Mr. John H. Cadenhead, of Macon, remaining in Congress until the downfall of the Confederacy.

In March, 1866, he settled in Montgomery and resumed the practice of his profession, forming a partnership with Judge George W. Stone and General James H. Clanton. This partnership was terminated in September, 1871, by the death of General Clanton, who was shot dead on the street in Knoxville, Tenn., while attending the United States Court, as attorney for the State of Alabama in the matter of the Alabama and Chattanooga Railroad. From that time he continued his partnership with Judge Stone until March, 1876, when the latter was elevated to the bench. In the fall of 1876 the present firm of Clopton, Herbert & Chambers was formed, the other members being Hilary A. Herbert, member of Congress, now in his second term, and William L. Chambers, Mr. Clopton's son-in-law.

On the 12th of October, 1870, General Robert E. Lee, the great military chieftain of the South, died at Lexington, Va., and on the day appointed for his burial, the people of Mont-

gomery assembled at the Presbyterian church, in which services were held, and an eulogy delivered by Mr. Clopton, as follows :

“MY BEREAVED COUNTRYMEN: Why this weeping of nature? Why does the cypress bend lower—the willow droop more sadly—the air vibrate with suppressed emotion? What means this voice of mourning coming from valley and mountain, from sea-coast and river side, from rural quiet and busy marts—this people, bowed in sorrow; this hour o’ercast with darkness and gloom; this pall of grief that spreads its sable folds over the land? What has crushed the mighty heart of a brave, heroic, enduring people? Stay, lightning messenger! Tell it not! Be hushed, sovereign death! And yet it is true. ‘Know ye not that a prince and great man has fallen in Israel?’

“‘Now boast thee, death, in thy possession lies  
A man unparalleled.’

“At this hour, I see a long procession of old men and young, matrons and maiden beauty, with tearful eyes, moistened cheeks, and saddened hearts, winding its way with silent tread, to the house of mourning in the town of Lexington. I hear the minister, in solemn, penitent prayer, imploring the Father of Mercies to temper the blade of justice, and muffle the hand that strikes. I hear the chanting of a requiem for the dead. I see the mourning relatives and sorrowing friends gather around the bier to take a farewell look at the manly form—cold, icy cold—but manly still; the beaming, kindly eye opens not upon them; the cordial hand extends not its grasp; the warm heart beats not for them. A few moments more, and the grave will claim for its own all that remains on earth of Robert E. Lee.

“‘Here let him sleeping lie  
Till heaven’s bright watchers slumber in the sky,  
And Death himself shall die.’

“In the reign of Charles I., Richard Lee came from England to the colony of Virginia, under an official appointment from the Governor. He was the ancestor of the Virginia Lees, and bequeathed to his descendants not only his name

but his distinguishing traits; for it is related that he was ‘a man’ of good stature, comely visage, enterprising genius, a sound head, vigorous spirit and generous nature. Thus, in the earliest days, the name of Lee is associated with some of the most important measures, and is identified with and forms part and parcel of the history of Virginia. What a crowning glory, what a heritage to the generations, that through this long vista of years, it has ever been connected with that which is wise, and good and true, comes down untarnished and with lustre undimmed! Never brighter, purer, clearer, than the halo that encircles the name of our own great chieftain. The spirit of liberty, independence and courage which has ever marked the family is aptly illustrated by an incident which occurred with the son of Richard Henry. He was in England at school. Soon after the Declaration of Independence was made public in that country, a gentleman asked his tutor, ‘What boy is this?’ He replied: ‘He is the son of Richard Henry Lee, of America.’ Putting his hand upon the boy’s head, the gentleman said: ‘We shall yet see your father’s head upon Tower Hill.’ The boy promptly responded: ‘You may have it, when you can get it.’ His father, General Henry Lee, has a Revolutionary fame. Early in the struggle, he entered the military service; soon achieved a high character for discipline and bravery; advanced from promotion to promotion; attained a high position of admiration with his fellow-officers and soldiers; and was ever in the front of success, as well as of danger. After the close of the war he was elected to a seat in Congress; afterwards Governor of Virginia, and again to Congress. His corps having been placed under the immediate control of Washington, he soon became his bosom-friend and confidant, and was chosen by the Federal Congress to pronounce a funeral oration on his death. Such was the father who inculcated in the mind and heart of Robert E. Lee his lessons of bravery, discipline, virtue and patriotism. Born in the same chamber where Richard Henry Lee first saw the day, educated by the good example and faithful

instructions of his father, and led upward by the soft, maternal care of his mother, ennobled by the past, and inspired by the dawning future, Robert E. Lee, faithful to the instincts and promptings of a true nature, has done increased honor to his ancestors by his own great deeds. Their virtuous and noble acts have taken root in him, and borne rich and glorious fruit. His youth was passed in exciting times, excited by the expectation of another struggle with England, which terminated in collision and a successful result. Amid such scenes, his mind was early accustomed to the pomp and circumstances, the threatenings and mutterings of war. Entering in 1825 as a cadet at West Point, he remained there the usual four years, completing his studies, and preparing himself for that future military career in which he became the observed of the world. During this period, as I heard one who was there with him remark, he stood first and foremost of two hundred and fifty young men collected from every section of the country, and never had a report or mark of demerit against him. In his youth and amid temptations not rare or weak, he exhibited and strengthened those virtues of character and elements of manhood which ever promise a useful life, an honored name and a beloved memory. May the young men of the country study and be wise, and profit by his precepts, and imitate his great example. Immediately after graduating he entered the military service. His first important distinction was acquired during the war with Mexico. At Vera Cruz, Cerro Gordo, Contreras, Cherubusco, Chapultepec, and Molino del Rey, he greatly distinguished himself by his operations in reconnoissances, planting batteries, conducting columns to their stations under heavy fire, and, as said by General Scott, 'was as distinguished for felicitous execution, as for science and daring.' He was the special favorite of that veteran general, and scarcely is there a single despatch during the Mexican campaign in which his name is not honorably mentioned. Passing over the intervening time, we approach the beginning of that period, which has made his name so conspicuous throughout

all lands. A great conflict was about to commence compared with which previous wars were but as skirmishes. A great country was about to divide, and section grapple in deadly strife with section. States, in defence of claimed and asserted sovereignty, are arming for hostilities with the Federal government, which asserted its supremacy. In the Senate, on the hustings, in the councils of peace, great and wise statesmen had failed to settle the issue, and now came the wager of battle. Lee was in Texas with his regiment, and there he received information that his native State contemplated secession. Soon he returned to Arlington and calmly, courageously, firmly he abided the time—but during that time how great must have been the struggle in the great heart of that great man! On one side his career, fame and rank were arrayed, and identified with the flag under which he had fought so well and so bravely. With rank and flag he must part, but his career could not be obliterated nor his fame extinguished. On the other side were patriotism, love of country, and attachment to the State which gave him birth—all which drew him to her fortunes, whatever they might be.

"The clouds gathered thicker and darker; the storm burst; the sound of war resounded aloud, and brave men sprang to arms. Virginia resolved, and summoned Lee to her defence. He hesitated not a moment; and when General Scott besought him not to resign his commission his response was, 'I am compelled to.' The scenes of that hour, his letter of resignation, and his parting with his old companion-in-arms, evince the greatness of his soul—great in his devotion to the service, which had engaged his life and ability—great in his determination to separate from it at the call of duty; great in his gratitude to those from whom he had received a kindness; great in his friendship for his comrades, and greatest in his love for his native State. He could not be tempted by the offer of high command in the army which he was leaving; he shrank not from the spectre of a reputation which it would be attempted to blemish by associating it with the epithets of rebel

and traitor. He foresaw the stupendous results that would follow a collision of arms, and felt deep inward sorrow in contemplating the misery, devastation and woe that would ensue upon the spilling of blood. His military eye saw the horrors and calamities of war more clearly and broadly than others whose eyes were unaccustomed and whose vision was obscured. He knew the power, the might and military resources of the government, and the consequent toil, duration and doubtful issue of the contest. But naught moved him from his purpose. Virginia had raised her banner and called him to bear it. He acted, as Mrs. Lee wrote, 'My husband has wept tears of blood over this terrible war, but he must, as a man of honor and a Virginian, share the destiny of his State, which has solemnly pronounced for independence.' Noble words of a noble wife of a noble husband. Every important event of his life is stamped with the impress of his magnanimity. When the Convention of Virginia chose him commander of the military forces of the State, on appearing to receive his commission, the President addressed him, and General Lee responded. His response is characteristic — simple, earnest, modest, assured, and closes with this sentence: 'Trusting in Almighty God, an approving conscience, and the aid of my fellow-citizens, I devote myself to the service of my native State, in whose behalf alone will I ever again draw my sword.' An alliance between Virginia and the Confederate States would necessarily lower his rank in the Confederate army, and this consideration presented with his friends a formidable obstacle to any alliance. Lee saw and comprehended the difficulty, and with unselfish, disinterested patriotism, he urged his friends not to permit anything connected with himself individually, or his official rank or personal position, to interfere with the immediate consummation of that measure which he regarded as of the utmost importance. Country with him was ever first. The tremendous events which followed, the arduous campaign, the magnificent battles, the defeats and victories, the sufferings, toils and privations, and the disastrous results with the military career of Lee during the ensuing years of the war, are all too recent for me to weary you with allusions to them. Pass rapidly before your mind its panorama—note each great scene and stirring event, and amid each stands forth one prominent central figure, guiding, planning, inspiring and enthusing — Robert E. Lee. Tested by military standards and criteria, considering his achievements with his exhausted resources and the odds opposing, history, unblinded, impartial, will enroll him the greatest military genius of his age. His star will not pale when set in the constellation of the Alexanders, Hannibals, Cæsars, Bonapartes and Wellingtons. Rising slowly but surely above the horizon, it continued to ascend higher and higher with increasing splendor and brightness, until, even at its setting on the field of his surrender, its effulgence threw back a radiance over his whole past life. Whether we consider his amazing power of combination, whilst he kept in view every detail, his quick conception and sudden execution, his ceaseless activity, his ability to command, plan and devise; when we trace his career from the time he assumed command in front of McClellan, on and down to fatal Appomattox, he stands forth the same wonderful man, the same grand subject for human contemplation and admiration. To the present and future generations his character is a worthy subject for study. Time serves me not for its analysis. Nature fashioned him, I had almost said, in a faultless mould. Physically, mentally, spiritually he was of the manliest; handsome form, tall, broad-shouldered, well-made and well-set—a thorough soldier in appearance—with manners courteous and full of dignity, his physical man harmonized with his well-balanced mind and symmetrical moral character. Free from small vices, no enemy ever accused him of great ones. His devotion to duty distinguished him among his fellows. Every act was measured by it, every movement controlled, and every feeling subordinated to it. It is forcibly expressed by himself, when he wrote to his son: 'Duty, then, is the sublimest word in our language. Do your duty in all things. You can-

not do more. You should never wish to do less. Never let me and your mother wear one gray hair for any lack of duty on your part.' This devotion to duty, the rule with which he measured every deed—aye, life itself—was based upon and supported by an enlightened conscientiousness. From this root, nurtured from a pious mother's breast, dug about by a father's careful hand, budding in youth and bearing the ripest fruit in manhood, first the blade, the tassel, and the ear, sprang and grew the many virtues and excellencies of his character. It was the shield of his integrity; the sword with which he fought the battles of life; the armor with which the shafts of trials and temptation were repelled; the guardian-angel of his patriotism; the basis of his religion. No sacrifice so great, no reward so rich, no honor or promotion as precious and cherished, but that all were laid upon the altar of duty. This was the cornerstone of his quiet modesty, his utter want of vanity, egotism or self-seeking; his determination to spend and be spent in his work. It was this that made him warm, humane, cordial, affectionate, true and incorruptible. It was this that made his character grand and heroic, than which no more perfect model exists among living men; that adorned it with beauty, as beautiful as ever seen or written—each part being in perfect proportion and harmony with every other part, and with the whole. It was this that endowed him with personal disinterestedness and an unselfish devotion to principles and country. This was the foundation of his piety. With him life was a serious affair. 'It was not all of life to live.' He was conscious that the searching gaze of the sleepless eye of God was upon him, and shaped every thought, word and action with reference to the Divine approval. 'No stain of insincerity, meanness, nor vainglory blurred a character which thus combined the loftiest virtues of the gentleman, the soldier and the Christian.' With no one mental faculty largely predominant all were fully developed. He was equal to every position and every work. No emergency was too great, no exigency too sudden, no demand too severe.

Never shooting upward fitfully, with glaring, dazzling light, then extinguished, his even, equal mind ever gave forth regular, beaming, revealing rays. 'He was endowed with all the natural talents vouchsafed to man, and thoroughly educated intellectually, socially and religiously.'

"Truly great and truly good, he considered first how he might gain the approbation of God, then that of his own conscience, and, having done this, conciliated the good opinion of his fellow-men. The silent conqueror of himself, the thirst of other men's ambition was not his; the aim of their existence was not his. Born great, he also achieved greatness, and had greatness thrust upon him. And when passion and prejudice shall have subsided, and party lost its venom, when men shall look through a glass not darkly, posterity will award him the meed of a perfect Christian gentleman, a brave, skilful captain, and an unambitious, unselfish patriot. The future will receive him as a great exemplar, a chiseled specimen of his race, and his country will rank him among her brightest glories. Great as he was in war, he was greater in defeat and in the walks of peace. When the God of battles pronounced against him, and the shattered, exhausted condition of his forces taught him that further resistance would be vain, with no personal ambition to gratify, and no false military pride to sustain, and desiring to avoid a useless effusion, he surrendered his army, sheathed his sword and folded his conquered banner. Calm, collected, with dignity and noble mien, he retired from the scene of conflict and campaigns to private life, without murmuring or repining; and surveying the whole field of usefulness devoted the remainder of his life to the unobtrusive task of educating, training and disciplining the young men of his devastated land—reconstructing the fabric of Southern civilization, and preparing polished ashlers for the Southern social temple. A worthy end to a worthy life. Such was Robert E. Lee, whose life and character will support the laurels that adorn his name and fame, a superstructure in which are beautifully and har-



moniously blended and combined the simplicity of the Tuscan, the strength of the Doric, the elegance of the Corinthian and the beauty of the Composite—the cardinal virtues which ornamented are Temperance, Prudence, Fortitude, and Justice, and the pillars which sustain it are Beauty, Strength and Wisdom. Born upon the same soil with Washington, having breathed the same mountain air, quaffed the same limpid waters, and inspired by the same associations, he is his peer in war, his peer in peace, and will be his peer in the hearts of his countrymen. But he has gone—his body will sleep in its appropriate resting-place beneath the chapel erected by him for the religious education of the young. His remains, with his banner, will return dust to dust, earth to earth. His spirit is with the saints. He speaketh though dead. His example is left to the ages. His monument is in the love of his countrymen. His memory will be wreathed with a garland of immortality. His life teaches—

“ ’Tis hardship toil,

’Tis sleepless nights, and never-resting days,

’Tis pain, ’tis danger, ’tis affronted death,

’Tis equal fate for all, and changing fortune

That rear the mind to glory, that inspire

The noblest virtues and the gentlest manners.’

“ ‘Help, Lord, for the godly ceaseth ; for the faithful fail among the children of men.’ ”

After the war, although taking a deep interest in the welfare of his section, Mr. Clopton took little part in politics until the memorable campaign of 1874, when he thought that the time had arrived for the redemption of the State from the infamy of carpet-bag and negro rule. He took a prominent part in the fierce and exciting canvass which preceded the State election of that year, in which the intelligence and worth of Alabama, backed by the people stirred to their inmost depths by the wrongs and oppressions of years of profligate Radical rule, were arrayed against the Republican party, the mass of whom were ignorant negroes, rendered desperate by the frantic appeals to their prejudices made by their white leaders, who felt this

to be their death-struggle for the control of the State. In the interest of the Republican party, Federal spies, informers and detectives swarmed through the State, and Federal troops were stationed at various points, and used in arresting active Democrats, who were carried to great distances and bound over before United States Commissioners to answer imaginary charges that were never prosecuted. Nothing, however, could damp the ardor of the masses of the Democratic party, who were stirred up to a fierce enthusiasm which opposition only served to inflame. Mr. Clopton, with every leading member of the party, made speeches in all parts of the State, wherever their influence would have the best effect, and it was no uncommon thing for between 300 and 400 speeches to be made in different parts of the State in one day. The election resulted in the complete triumph of the Democrats, who carried the State by over 13,000 majority, and as subsequent events have proved, this was the complete and final overthrow of the Republican party in Alabama.


At the Montgomery county convention, held in June, 1878, to nominate candidates for the State Legislature, Mr. Clopton was, entirely without his knowledge, unanimously nominated for the House of Representatives, and such was his popularity that in the election which followed, in a county containing a Republican majority of at least 3,500, he was returned by about 1,800 majority. On the meeting of the Legislature, in November, 1878, he was elected Speaker of the House of Representatives. Mr. Clopton has always taken great interest in political affairs and in the government of the country, but has never aspired to any political office, although he has received repeated requests to allow his name to be used for that purpose, which he has invariably declined. In his profession he has always had a large practice, both in Tuskegee and Montgomery, and his present firm does probably the most extensive and lucrative law business in Montgomery ; standing, as he does, in the very first rank at the bar, he has been engaged in almost every important case in his district since the war.

He holds a very high position among the Freemasons, having been elected in 1853 Grand Master of the Grand Lodge of Alabama, and held that office for three successive years, the full time allowed by the Constitution; he was then elected Grand High Priest of the Grand Chapter of Alabama, holding that position also for three successive years, the longest time allowed by the Constitution. He is an active and earnest member of the Methodist Episcopal Church, and has for many years devoted especial attention to the Sunday-schools; he was Superintendent of the Tuskegee Sunday-school for a long period, and has been Superintendent of the Sunday-school in Montgomery for the last ten years. Judge Clopton is one of the ablest members of the Alabama bar, and as an advocate, as well as a sound lawyer, has few equals and no superiors. In Chancery, the Supreme Court, the United States Courts—in fact, in every department of his profession, he is equally prominent, while before a jury the clearness and force of his argument and the earnestness of his manner are simply irresistible. Possessing remarkable lucidity of intellect and great power of analysis, his arguments are pointed and cogent, while his oratory is scholarly and refined, and his command of language remarkable. The purity of his character is exceptional, and a deep religious tone pervades his nature. Of rare judgment and ability, yet modest and unassuming withal, his kindness of heart and suavity of manner have made him universally beloved and respected throughout the South.

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#### HON. S. L. LEAPHART.

##### SOUTH CAROLINA.

HEROD LUTHER LEAPHART was born, December 22d, 1830, in Lexington county, S. C.; he is the son of Michael Leaphart, a prosperous farmer, of Lexington county, his ancestors on both sides being of German descent. His education was received at a well-known school at Cokesbury, S. C., where he remained until

1854, when he engaged in mercantile pursuits until the outbreak of the war, and in April, 1861, volunteered as Sergeant in the Second South Carolina regiment, and was present at the bombardment of Fort Sumter. From thence the regiment was ordered to Virginia, and was the second to arrive from any other Southern State. He was here elected Lieutenant in Company A, known as the Governor's Guards, and stationed at Richmond; from thence they moved to Fairfax Court-House and Manassas, taking part in the first battle of that name. At the expiration of the first year the regiment was reorganized, and he was made Captain of his company, and participated in all the engagements of the Army of Northern Virginia until the battle of Sharpsburg, where he was severely wounded in the face and head, and left for dead on the field, but subsequently found and carried off; the scars of these wounds he carries to this day. Recovering from his wounds after several months' tedious suffering, he joined his command in May, 1863, shortly before the battle of Chancellorsville, and participated in General Lee's second campaign across the Potomac, and on July 2d, 1863, the second day of the battle of Gettysburg, was severely wounded, and compelled to lose his right arm. On the retreat from Pennsylvania he fell into the hands of the enemy, and remained a prisoner for twenty-one months at Fort McHenry, Johnson's Island, Lake Erie. He was released early in 1865, and shortly before the surrender was engaged with Kennedy's brigade in Major-General Kershaw's division and General Longstreet's corps. After the termination of hostilities, General Perry became Governor of South Carolina under President Johnson's plan of reconstruction, and Captain Leaphart was elected by the Legislature Comptroller-General, which office he continued to fill during both General Sickles' and General Canby's military Governorship of the State. In politics he has always been a staunch and consistent Democrat, and when in 1876 the intelligent and responsible men of the "Prostrate State" determined to make a strong and united effort to extricate her from the hands of the





*James Wilson.*

thieves who had controlled the government for so many years, his name was selected for State Treasurer, and after taking an active part in the arduous and exciting campaign that followed, he was elected with the rest of his ticket. Although elected in November, 1876, in consequence of the troubles arising from the claims of the rival governments, he did not take possession of his office until May, 1877, but has since administered it with such marked ability and success as to gain the entire confidence of the public, so rudely shaken by the illegal and criminal acts of his predecessor—the notorious Cardoza. He has been for the past five years a Director in the Central National Bank of Columbia, and is agent for the Piedmont and Arlington Life Insurance Company. He is a member of the Lutheran Church. Captain Leaphart is distinguished for his sterling integrity and uprightness of character; he is of quiet, unassuming manners, and his erect carriage, empty coat-sleeve, and scars still plainly traceable, bear eloquent testimony to the distinguished part he bore in the recent struggle, and give a certain soldierly bearing to his manners and address.

He has never married, but his manly, straightforward and generous character and fine social qualities have endeared him to hosts of friends, and both in his official and private character he has earned golden opinions from all.

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#### GENERAL JAMES SIMONS.

##### SOUTH CAROLINA.

**J**AMES SIMONS was born in Charleston, S. C., May 9th, 1813. The Simons family is of Huguenot descent, having migrated to this country on the revocation of the Edict of Nantes, on October 22d, 1685, and settled in the French quarter, some thirty miles from Charleston, S. C. His grandfather had a large family, no less than ten grown sons following him to his grave. His father, James Simons, was a major of cavalry in the Revolutionary army, aide-de-camp to Count

Pulaski at the battle of Savannah, and with him when he received the wound of which he afterwards died, and chief of staff to General William Washington, of the Virginia Continental line; he participated in the preceding battles, and especially those of Cowpens, Eutaw, etc., at the latter of which he was severely wounded, receiving two ounce bullets in his hip, from the effects of which he never thoroughly recovered; at the close of the war he was appointed, by General George Washington, Collector of Customs at Charleston, which position he resigned on the accession of President Jefferson; he died, December 31st, 1815, having had sixteen children, of whom the subject of this sketch is the youngest; the only other survivor of the ninety descendants of his grandfather being an elder sister, who married Colonel Henry Beekman Armstrong, the son of General Armstrong, and now lives in the State of New York. His mother's family were of Scotch descent, her great-grandfather being the Rev. Thomas Boston, a distinguished divine, the author of "The Fourfold State" and "The Crook in the Lot," books very much esteemed at that time among the Scotch congregations. One of his uncles, Keating Simons, was on the staff of General Marion, and after the war President of the South Carolina Bank; and his son, Keating Lewis Simons, a most distinguished lawyer, of whom the great Langdon Cheves, in a letter to the eloquent William Crafts, of October 9th, 1819, acknowledging a copy of his eulogy on Mr. Simons, said: "He would have been a great acquisition to the Bench. His solid talent and extensive legal learning (for he was undoubtedly a more learned lawyer than any of his cotemporaries)," etc., etc.

His elder brother, the Rev. James Dewar Simons, was rector of St. Philip's, Charleston. Another, Charles Dewar Simons, was Professor of Chemistry and Natural Philosophy at the South Carolina College, Columbia, and was afterwards drowned in the Haugabaugh swamp, near Columbia, when making a visit to his father; and another, Henry Massingberd Simons, an officer of the First Artillery of the United States

army, who served in the same company with Jacob Bond Q'On, James Hamilton and Jacob Warley during and after the war with England, in 1812, *et seq.* Several other brothers were men of marked character and ability, but passed their lives as private gentlemen.

His mother died in 1825, and in March, 1827, he was sent to a school at Pendleton, in the mountains, kept by Henry King McClintock, a New England gentleman, and one of the most excellent teachers of his day, who bore a very high reputation and at whose school some of the most eminent South Carolinians were prepared for college. After three years spent at this academy he entered the Charleston College, of which Dr. Adams was then the President, and after eighteen months study he removed to the South Carolina College, Columbia, of which Dr. Cooper was President, and Dr. Henry, Henry Junius Nott, and James Wallace were then the leading professors. His class at the college was a large one, numbering sixty-three, and among those who afterwards did honor to their *Alma Mater* may be mentioned Elisha Hamlin, a distinguished young lawyer of Greenville; Langdon Cheves, an eminent jurist and State reporter; Dr. De Leon, afterwards Chief Medical Director in the Confederate army; L. D. Hallonguist, Abraham McWillie, brother of the Governor of Alabama, William Alston Owens, a born orator; John T. Chappell, a lawyer; Henry Gray, a lawyer, afterwards of Mississippi, C. C. Hay, a poet and scholar; James Hamilton, Jr., Dr. Alfred Raoul, physician; Samuel W. Rice, a judge, and afterwards Chief-Justice of Alabama; General James Tra- pier, of the Confederate army; Dr. Wardlaw, of Abbeville; Dr. Westcott, B. Williamson, a well-known planter, and many others. Young Simons pursued his studies with unusual diligence, and from natural predilection excelled more especially in his classical attainments. The contest for the honors of his class narrowed itself down to Elisha Hamlin and himself, and after keen competition resulted in favor of James Simons. In the early days of the college it had been customary to assign the valedictory to the

student carrying off the first honors of the class, and the salutatory to the next highest, but some years before 1833 it had been determined, in order to excite to greater emulation in classical elegance, to reverse the order and award the salutatory to the student attaining to the first honors in his class. This circumstance led to some misunderstanding at a subsequent period, when, in a compilation of the records of the college by a gentleman who was unaware of the alteration, Mr. Elisha Hamlin, as having delivered the valedictory, was credited with the first honor in place of Mr. James Simons. Upon this the latter applied to Dr. Henry, as the only professor at that time cognizant of the whole circumstances, and received a reply from which we extract the closing paragraph: "The contest between yourself and Mr. Hamlin, a gentleman of great worth and proficiency, was a very even one, but as a decision one way or other could not be waved, the salutatory, or first honor, was assigned you as being the more accurate classical scholar. I add, with pleasure, that your distinction was well earned, and won after a long and arduous struggle."

During his collegiate term there existed two literary societies, the Euphradian and the Clairosophic, of the latter of which he was President, and, in spite of the unsleeping watchfulness of the officers appointed for the purpose, passed through his term without a fine—a most unusual circumstance. The members were a most distinguished body, and bore themselves with as much dignity and propriety as the legislators over whom Mr. Simons afterwards presided; he was the successor in the Presidency of this society to Governor Means, of South Carolina, who was subsequently killed in the civil war, and the predecessor of General W. E. Martin, afterwards Clerk of the Senate. He graduated December 3d, 1833, and at once commenced the study of the law under the late Judge Frost and his partner, George W. Egleston, and was admitted to the bar February 24th, 1835. His examination took place before the separate Court of Appeals existing at that time, consisting of Judge David Johnson, after-

wards Chancellor and Governor of South Carolina in 1846; Judge John Belton O'Neill, subsequently Chief-Justice, and William Harper, Chancellor, and he had the gratification of hearing afterwards, through Mr. Thomas J. Gantt, the Register in Equity, that Judge O'Neill had noted his examination as "very excellent," an honor which did much to stimulate his ambition to excel in his profession. Among those who were admitted to the bar at the same time were Andrew Gordon Magrath, afterwards District Judge of the United States and subsequently of the Confederate States, and Governor of South Carolina, in 1865; Robert N. Gourdin, L. D. Hallonguist, C. W. Crouch, H. A. Jones, of Abbeville; Edward Carroll, D. C. Gibson, F. Q. McHugh, and others. He commenced the practice of his profession in the office of his preceptors, Egleston and Frost, with whom he remained for two years, and then established himself on his own account. About this time he became intimately related with Major Samuel Wragg, a Cantabrigian and scholar, with one of whose daughters, Sarah Lowndes, he intermarried on December 17th, 1835. Major Wragg being an able controversialist and familiar with the exciting constitutional subjects of the day, Mr. Simons imbibed from him a broad and liberal view of the questions of nullification and secession; much enthusiasm at that time having been excited amongst Southern people by the writings and speeches of the great Calhoun. Having a large family connection among the planters he at once acquired an extensive practice, more particularly in the Chancery and Equity departments of his profession, and sought to extend the influence and jurisdiction of the Court of Equity as far as practicable, and acquired such eminence as an equity lawyer that a distinguished jurisconsult of the Charleston bar paid him the high compliment of saying that he was "the most accomplished equity pleader at the bar."

In 1842 he was elected to the House of Representatives for Charleston, and continued a member for twenty years successively, never having been defeated at the polls. In 1850 he

was elected Speaker of the House, and discharged the duties of that office with such efficiency and discretion that he was re-elected from time to time without opposition, and for twelve regular and five extra sessions he held the office of Speaker, and during all this time there was but one appeal from his ruling, and in that he was afterwards sustained. The question arose whether the office of Treasurer of the Lower Division of the State should be abolished, a specific majority of two-thirds being requisite to carry the bill. The requisite specific majority was not obtained. A member who had voted with the larger number moved reconsideration; the Chair declined the motion because he was not of the majority required by the constitution. Then another member who was of the smaller number presented the same motion; the Speaker declined because he was confessedly of the minority. An appeal was taken from the Speaker's decision, and an earnest debate followed, in which some of the most influential members took part, notably, J. J. McCarter and J. J. Pettigrew, who sustained the Speaker, and the House eventually decided in favor of the Chair, notwithstanding that the vote on the bill was within one of the constitutional majority; the bill was consequently lost. The Judiciary Committee subsequently reported a rule to suit such a case, and each House adopted it, so that his ruling has been the practice ever since.

Such was the high and honorable character of the House of Representatives in *ante bellum* times that Mr. Simons esteemed it an honor and a pleasure to preside over their deliberations. One example will suffice: the claim of the Legionaries of the Duke of Luxembourg against the State of South Carolina had been pressed by the Count de Choiseul, then Consul of France to the United States, and, when the question was about to be put, a distinguished member rose and asked to be excused from voting, inasmuch as he was of counsel for the claimant. As an evidence of the esteem in which he was held, it should be mentioned that at an early period of his life, not having then reached the age of thirty years, upon the death of Henry

Junius Nott, a distinguished Professor of Roman Literature and Belles Lettres in the South Carolina College, Mr. Simons was nominated as his successor by Professor Henry, who was one of the professors under whom he had graduated. The communication between the cities of Charleston and Columbia was not so close at that period, which ante-dated the railroad and the telegraph, and as the Board of Trustees were then in session for the purpose of filling the vacancy, and it could not be ascertained in time whether or not his election would have met his approval and acceptance, it was debated by some of his personal friends then in Columbia, among whom was the late General Edward H. Edwards, and at their request Professor Henry recalled the nomination for the reason given by them that his professional prospects were such that it would not be just to withdraw him from the profession upon the practice of which he had entered with such flattering prospects of success. These gentlemen who were his intimates did not know, however, that his tastes and his ambition would have led him to the service of his *Alma Mater*. Such was the influence of Professor Henry at that time that there can be little doubt his nomination would have been followed by his election. In like manner upon the reorganization of this college in June, 1857, it was the desire of certain friends of Mr. Simons to place him in the presidency. Chief among these were the late Governor J. H. Means, who had been associated with him as a fellow-student in the same college, and had remained through life his affectionate and devoted friend, Governor John L. Manning, Chief-Justice O'Neill, and other Trustees. Governor Means well knew that a high sense of duty would have compelled an acceptance if an election had been had without his knowledge. He, therefore, so carefully concealed his intention that Mr. Simons, in entire ignorance of it, attended the meeting of the Board of Trustees and for the Presidency cast his vote for Hon. David F. Jamison, afterwards President of the Convention of the people of South Carolina which led the secession movement. This vote alone prevented the requisite number which

would have placed Mr. Simons in the position which, of all others, he considered the highest within the gift of the State and which he valued accordingly. He was thoroughly familiar with the government of the institution, having been *ex officio* a Trustee while Speaker of the House, and retained as such, for some years after his retirement from the chair, by election of the Legislature.

It has been said that "no man can travel so fast that fate will not overtake him," and in this instance his own act was made the means of defeating the highest aspirations of his heart. It was a position for which he was pre-eminently qualified by his learning and his training, his high-toned sense of honor and irreproachable character; and his impress upon the rising generation would have had a most happy influence. Mr. Simons had no desire for political preferment; the Speaker's chair in the House of Representatives fully filled its measure. His popularity would have placed him in the National Legislature had he desired it. His ambition was first to fill the Professor's chair in the college of the State, and next to have worn the ermine upon her bench, more especially that of the Court of Chancery. We have seen how the first was lost: the second was as readily attainable; at any time during his term as Speaker and subsequently he could have been elected to fill one of the many vacancies occurring during that long period. On four occasions, twice for the Law and twice for the Chancery Courts, was he urged by his friends to consent to an election, but, although it was the dearest wish of his heart, he declined, and for reasons which we regard as evidencing too nice a sense of honor to be withheld here. Though his practice was large and lucrative, yet, as he had commenced practice without fortune, and was dependent upon his professional means for the support and education of a large family, for whom he provided with rare generosity, and who were accustomed to the luxuries of life which usually follow the appliances of wealth, he thought he could not afford to surrender a large practice for the much-to-be-diminished income affixed to the



salary of a judge. Besides it had been always a settled conviction with him that a lawyer should never be a pecuniary debtor, and how much was this conviction intensified when applied to a judge; the knowledge of an indebtedness so trifling that it would scarce have been thought of by another decided him to decline, and he sacrificed steadily and continuously this his high ambition to his higher sense of propriety. It has always been a source of regret to those most intimately acquainted with him that his services upon the bench, and more particularly upon the Chancery bench, should have been lost to the State. His attainments in his profession, the result of long, close, persistent study, his knowledge of settled principles and decided cases, his learning in the science, his large opportunity for the application of theory to practice, in an unusually large experience, with his intuitive sense of justice, would have made him an ornament to the bench and left his name to be associated worthily with those of Harper, Dunkin, Johnson, Wardlaw, Dargan, and other great ones whose names have become historic as expounders of equity jurisprudence in South Carolina. Mr. Simons' popularity, which kept him so long in the Legislature, was further manifested in his rise through every grade of militia service then very popular in the State. He was scarcely initiated into his chosen profession before he was called into commission in a volunteer company, composed of prominent young men of the city of Charleston, as second in command, and afterwards elected Captain. He was subsequently elected Major of the regiment of artillery, and was afterwards its Colonel. Throughout the period he was associated with the regiment he gave much thought and time to its improvement and advancement. The militia laws of South Carolina required frequent drills, parades, and even encampments biennially, and arduous as were the duties of an officer they were consonant with his tastes and disposition; he had a natural fondness for military life, perhaps an inheritance from his father. His military services, therefore, were not only freely given but pleasant to him, and the improvement

and progress of the regiment was, in no little measure, due to his fondness for the service and his skill as an officer. Upon the death of Brigadier-General Cruikshank, in 1858, Mr. Simons was elected to the command of the Fourth Brigade, South Carolina Militia, and held that position when, on the 9th April, 1861, he was ordered, by Governor Pickens, the commander-in-chief of the militia of South Carolina, to proceed to Morris Island and take command of the forces at that post; the bombardment of Fort Sumter commenced at the early hour of 3.40 the next morning. The following communication was received by General Simons from General Beauregard:

"HEAD-QUARTERS, PROV'L ARMY, CONFED. STATES,

"CHARLESTON, S. C., *April 30th*, 1861.

"GENERAL: I have to acknowledge the receipt of your lucid report of the 29th inst., relative to the condition of the forces and batteries under your command, on Morris Island, on being relieved by Brigadier-General Nelson, the same day, in pursuance to special order No. 99. I beg to thank you, General, for the valuable assistance of yourself and staff, in organizing and preparing for the attack on Fort Sumter, and to prevent a landing from the enemy's fleet, the forces under your command, and to thank you also for your efficient aid and gallant conduct on that memorable occasion. I hope it will again be my good fortune to have yourself and command under my orders should the enemy ever attempt to effect a landing on the shores of this gallant State.

"I remain, General, with the highest consideration, your most obedient servant,

"G. T. BEAUREGARD,

"Brigadier-General Commanding.

"Brigadier-General JAMES SIMONS,

"Charleston, S. C."

General Simons was a member of the Convention of the Democratic party of the United States, which met in Charleston in 1860, and Chairman of the delegation from South Carolina therein. He was put in nomination as a Dele-

gate to the memorable State Convention of 1860, but declined; and in 1862 he refused to return to the Legislature although urged by his friends to do so, and thus voluntarily gave up the high office of Speaker of the House of Representatives in which he was so long distinguished and universally admitted to have been without a superior. Since then he has not held any public station whatever, but has devoted himself to the practice of his profession and to the society of his friends. At the request of the Chamber of Commerce of Charleston, he formed one of a committee of gentlemen who accompanied a delegation from the Tax-payers' Convention to visit Washington and confer with President Grant upon the deplorable condition of affairs then existing in South Carolina. In this connection it should be mentioned, however, that upon the passage of the Act of Congress to create separate Circuit Judges, General Simons received a most flattering testimonial from the bar of Columbia and Charleston, and thereupon applied for appointment to the judgeship of the Fourth Circuit. He was also flatteringly nominated by some of his numerous friends for the office of Chief-Justice of South Carolina at the recent election, but did not suffer his name to be used as a candidate. It is a striking fact that, although so long and laboriously a most faithful public servant, General Simons has never sought nor held any public position to which was attached pecuniary emoluments, but his service has been freely and generously given to the promotion of all matters tending to the advancement and benefit of the city and State which gave him birth and which he loved with all the ardor of true loyalty. Early in life General Simons was elected a member of the Cincinnati, and was soon after appointed Secretary of the Society in South Carolina, which office he held for nine years, and with much labor prepared a thorough analytical index of its proceedings dating back to 1784. During the late civil war this work was unfortunately lost, together with the archives of the Society, in the conflagration which followed the surrender of Columbia. In 1854, through his influence and exertions, the

society was induced to resume an actual representation at the general meeting of the Cincinnati, which had been suspended for twenty-seven years. He was one of the Delegates named, and the society has ever since been represented and he one of her representatives at the triennial meetings of the general society, and has been said by a most distinguished member that much credit is due to him for the prosperity of this venerable and venerated body. General Simons was for some years Vice-President, and upon the death of the late venerable and esteemed Henry A. Desaussure, he was unanimously chosen President of the Society of Carolina, which office he still retains. In 1872, at the general meeting of the Cincinnati in Boston, he was elected Vice-President of the General Society, and has been re-elected at the subsequent meetings, at the last of which the following gentlemen were chosen officers, viz.: the Hon. Hamilton Fish, of New York, President; the Hon. James Simons, of South Carolina, Vice-President; George W. Harris, of Pennsylvania, Secretary; R. J. Manning, of Maryland, Assistant-Secretary; Alexander Hamilton, of New York, Treasurer, and William B. Dayton, of New Jersey, Assistant-Treasurer. He has from time to time delivered a number of addresses and orations on various public occasions, among which an address to the Polytechnic and Calliopean Societies at one of their annual celebrations, entitled, "On the Formation and Publication of Opinions," from its bold and original train of thought excited much attention and discussion.

General Simons still continues actively engaged in the practice of his profession. He is not fond of change and has occupied his present office for nearly the third of a century, and, strange to say, it is the same as was used as a law office in the last century by his distinguished kinsman, Keating Lewis Simons. Though somewhat past the prime of life he still enjoys it surrounded by a devoted family; his eldest son, James Simons, Jr., is associated with him in his practice, and has already made his mark in his profession; and another, Dr. Manning Simons,





*Thos. L. Bayne*

has reached considerable distinction in the medical profession in the same city. Himself of commanding appearance, ease, courtesy and dignity of manner, tenderness of heart, strength and durability of friendship, although he has outlived most of the associates who started on the journey with him, he has yet attracted to him a host of younger men who esteem and love him, value his friendship, regarding him as one upon whose learning they can draw and upon whose experience they can rely, trustfully hoping that he may be spared yet many years as a true representative of the old Carolina gentleman.

[General Simons died, April 26th, 1879.]

“The name of Simons is with the people of Charleston ‘Clarum et venerabile nomen,’ great in science, great in medicine, great in the law, great in divinity, and amiable in all the duties and charities of life.”

[W. M. CRAFTS.]

#### COL. T. L. BAYNE.

##### LOUISIANA.

**T**HOMAS LEVINGSTON BAYNE was born at Clinton, Jones county, Ga., August 4th, 1824. The Bayne family were among the original settlers on the eastern shore of Maryland, and in Virginia. John Bayne, the grandfather of the subject of this sketch, removed when quite young into Georgia, at an early period in the settlement of that State. He was prominently identified with the early history of Georgia, and represented Jones county in the State Legislature for sixteen years successively. His son, Charles Bayne, married a daughter of Charles Bowin, a well-known planter of Jones county, and both parents died at an early age while their son, Thomas L. Bayne, was quite a child. On the death of his parents he passed under the control of his maternal uncle, Colonel Edward Bowin, of Butler county, Ala., a gentleman of high character and intelligence, who spared no trouble nor expense in obtaining the best teachers for

his nephew, who was reared as one of his own family. Mr. Bayne was fortunate in having his early education intrusted to William Lowry, a graduate of Dublin University, Ireland, and a most accomplished scholar, who prepared him for college, and to whose thorough scholarship and conscientious discharge of his duties Mr. Bayne attributes much of his subsequent success.

He entered Yale College in September, 1843, and graduated thence with distinction in 1847. He received a high appointment for commencement bestowed by the faculty of the college, and was valedictory class orator—B. Gratz Brown, of Missouri, being his competitor. He was also President of the Calliopean Society, one of the Literary Societies at Yale. Among his classmates at college may be mentioned F. W. M. Holliday, now Governor of Virginia; John M. Berry, now Judge of the Supreme Court of Wisconsin; Daniel Thew Wright, at present Judge of the Supreme Court of Ohio; Charles F. Sanford, now Judge of the Superior Court of New York; B. Gratz Brown, afterwards United States Senator and candidate for Vice-President on the Greeley ticket in 1871; John C. Burch, the present Secretary of the United States Senate; John Donald Smith, of Maryland; and many other distinguished gentlemen. After graduation, Mr. Bayne returned to Alabama, and after a brief stay went to New Orleans, where he studied law under Thomas Allen Clarke, a distinguished lawyer of that city, then associated with Thomas Slidell, afterwards Chief-Justice of Louisiana. When he entered Mr. Clarke's office, he found there, as students, Oliver H. Perry, son of Commodore M. C. Perry, and A. Oakey Hall—Mr. Perry afterwards removed to California, and Mr. Hall to New York, of which city he afterwards became Mayor, besides holding other important offices.

Mr. Bayne was admitted to the bar in the fall of 1850, and after remaining some time in Mr. Clarke's office, became his partner in the following year. In 1852 and 1853 he became Acting City Attorney of New Orleans, as a substitute for Thomas R. Woolfe, during that gentleman's absence from the city in the summers

of those years. In 1862 he went into active military service, as a private, in the Fifth Company of the Washington Artillery of New Orleans, which was largely composed of gentlemen of high social standing; the members were elected by ballot, a small number of votes excluding. Mr. Bayne served with the Fifth Company of the Washington Artillery in the Southwest until after the battle of Shiloh, at which he was severely wounded, being shot through the right arm while serving one of the guns, and was consequently disabled from further immediate service.

Brigadier-General Randall L. Gibson, who had studied law in Mr. Bayne's office, offered him, just prior to the battle of Shiloh, a position on his staff, which was declined, the general tone and spirit of the Fifth Company, at that early period of the war, being against accepting any position which would separate its members. Mr. Bayne returned to New Orleans, and when, in April, 1862, Commodore Farragut's fleet arrived in front of that city, he left for South Carolina.

After locating his family and remaining sufficiently long to recover from his wound, he left for Richmond, Va., where he was appointed Captain of Artillery, and assigned to ordnance duty with his brother-in-law, General Gorgas, Chief of Ordnance in the Confederate service. He was afterwards promoted to Major, and subsequently to Lieutenant-Colonel of Artillery, and was appointed Chief of the Bureau of Foreign Supplies, reporting directly to the Secretary of War. At Richmond he was brought largely in contact with the leading men in the civil and military service of the Southern Confederacy. At an interview between President Davis and General Lee, which he was invited to attend, the question of the right of the city of Wilmington, N. C., to enforce quarantine against vessels bringing in meat and other supplies for the army was discussed. General Lee finally suggested that, as it was imperative that he should have the supplies for his troops, he could solve the question as to quarantine by removing the inhabitants out of the city and away from all possible

danger. This suggestion might be useful in the present discussion of the important question of quarantine.

When it became necessary to evacuate Richmond, Colonel Bayne left with the other officers of the government for Danville, Va., where he remained until the surrender of General Lee at Appomattox, and from thence removed to Charlotte, N. C., where the Confederate government was virtually dissolved. General Johnston and General Sherman had held their conference at Greensboro, N. C., in the presence of General Breckinridge; after the truce of forty-eight hours, granted for the purpose of communication with Washington, had expired, General Breckinridge assembled the officers who constituted his staff, and in a touching farewell address practically relieved them from further duty in attendance upon him as Secretary of War. The several officers then departed towards their homes, and Colonel Bayne returned to New Orleans, where he resumed the practice of his profession with his former partner, Mr. Thomas Allen Clarke, with whom he continued to be associated until that gentleman's retirement from the bar in 1878. He has now as a partner Mr. Henry Renshaw, who was a student in his office for many years. Colonel Bayne has never been a candidate for any political position, but has always actively discharged his duties as a citizen. Like most of the officers of the army, he accepted the war as closed in 1865, and at once addressed himself to the restoration of his own means and to the revival of the prosperity of his State. He is President of the Washington Artillery Association, an organization formed soon after the close of the war for the purpose of providing for the poor and wounded connected with the battalion, and also for erecting a monument to its dead, and preserving its historical record. Colonel Bayne was married, December, 1853, to Maria Gayle, daughter of Hon. John Gayle, formerly Governor of Alabama, member of Congress from the Mobile District, and Judge of the United States District Court. He has six children, three boys and three girls.

## JOSIAH SIBLEY, Esq.

## GEORGIA.

**J**OSIAH SIBLEY was born at Uxbridge, Mass., April 1st, 1808, and is the son of Joel Sibley, farmer, of that place. The Sibleys are of Welsh extraction, three brothers of that name having emigrated from Wales and settled in Massachusetts about the year 1650, and from one of these was descended Stephen Sibley, who was born in Sutton, Mass.; his only son, Joel Sibley, married Lois Wood, daughter of Ezekiel Wood, of Uxbridge, Mass., and they had four sons, Amory, Royal, Josiah, and George N. Josiah's early education was received in the district school of his native town until 1821, when, at the early age of thirteen years, he went to Augusta, Ga., where his two elder brothers, Amory and Royal, were prominent merchants, and became a clerk in their establishment. Augusta was at this time a frontier town of 6,500 inhabitants, with but thirty brick buildings, and the government agents used frequently to purchase goods there for the Indians: it was even then the headquarters of the cotton trade, and, as railroads were unknown, its communication with Savannah and the seacoast was entirely by steamboats and flat-boats on the river. No canal had then been projected, and the progress of the town seemed at a stand still until the commencement of the works in 1845, when a change for the better took place, which received a great impetus by the enlargement of the canal in 1872, and from that time until the present the city has rapidly increased until Augusta, with a population of 24,000, is unquestionably one of the wealthiest and most important cities in the South. In 1822 Royal Sibley died, while on a visit to his family at Uxbridge, Mass. Josiah continued as assistant to his brother Amory until 1828, when he entered into partnership with him and they commenced business as wholesale and retail merchants and cotton dealers, under the firm of A. & J. Sibley, in Hamburg, S. C., opposite Augusta, Ga., then

a flourishing commercial town of some importance. The railroad from Charleston to Hamburg was one of the first built in the United States, and for a great number of years after its completion the South Carolina Railroad was refused permission to build a bridge across the Savannah river to connect with the Georgia lines, and eventually was compelled to pay \$100,000 for the privilege. The firm carried on a prosperous business for many years, during which Hamburg was an extensive cotton depot, receiving as much as from 50,000 to 70,000 bales yearly, while at the present time not 1,000 bales are sent there in a year. In 1849 Amory Sibley died, leaving a handsome estate to his family, having been for many years President of the Mechanics' Bank and one of the largest cotton merchants and shippers in the district. The business was carried on by Josiah as before, and in 1853 his eldest son, William C. Sibley, was taken into partnership under the style of J. Sibley & Son. In 1855 the business was removed to Augusta, and as his younger sons, Samuel, George R., and R. P., grew up they entered the firm from time to time, and the firm was altered to Josiah Sibley & Sons. Henry Sibley, his second son, lost his life during the war while on his way from Atlanta to Griffin; in consequence of the crowded state of the cars he had been compelled to ride on the roof, and, while attempting to save the baggage of a sick soldier on the train, was thrown off and killed. After a long and prosperous career, Mr. Sibley retired from business in 1874, his firm having for many years previous conducted the largest cotton business in Augusta, both as shippers and on commission. In 1870, in conjunction with Mr. Langley and others, he established the Langley Manufacturing Company's cotton-mill, of which his son, William C. Sibley, is President, and still retains his interest in that factory. He was a Director of the Mechanics' Bank previous to and during the war, and for many years has been a Director of the Georgia Railroad, as well as having an interest in a large number of other railroads. In 1867 and 1868 he was a member

of the Augusta City Council, and during Mr. Allen's administration was a member of the committee who devised the scheme for retiring the bonds of the city by means of a sinking-fund, by which it is anticipated that the city debt will be extinguished in from ten to fifteen years. While he was a member of the City Council the enlargement of the canal was projected, and he afterwards gave Mr. Estes the benefit of his influence and support in carrying out this important public work. He has also an interest in the Augusta Land Company, of which Mr. Estes is President, and is a member of the Orphan Asylum. He is a member and elder of the Presbyterian Church.

Mr. Sibley is at present extensively engaged in planting, owning several plantations in Scriven county and other districts, besides a farm of three hundred and twenty acres near Marietta, Ga., where he passes the summer months with his family. The magnitude of his interests in real estate may be inferred from the fact that his taxes are assessed on over sixty thousand acres of land. He has been twice married: first, in 1831, to Miss Sarah A. Crapon, daughter of William Crapon, merchant, of Rhode Island, and the second time, in 1860, to Miss Emma E. Longstreet, daughter of Gilbert Longstreet, of Augusta. His eldest son, William C. Sibley, is President and Treasurer of the Langley Manufacturing Company; Samuel H. Sibley is a partner in the firm of Day, Tannahill & Co., carriage and harness merchants of Augusta; George R. Sibley is a partner in the firm of Sibley & Wheless, cotton merchants, of Augusta, and successors to J. Sibley & Sons, and is a representative of Richmond county in the State Legislature; and Robert P. Sibley is a commission merchant in Augusta. John A. Sibley, one of his youngest sons, is a student at the Virginia Institute, a military academy in Lexington, Va. His daughter, Sophia Sibley, is married to General Charles E. Smedes, of New Orleans, and Alice Sibley is the widow of W. T. Williams, formerly of Augusta. Charles Sibley, son of his elder brother Amory, is Sheriff of Richmond county, Ga.

### MAJOR WILLIAM C. SIBLEY.

GEORGIA.

**W**ILLIAM C. SIBLEY, eldest son of Josiah Sibley, was born in Augusta, Ga., May 3d, 1832. He received his education at private schools, and was prepared for college at the Richmond County Academy, Augusta; but being destined for a mercantile career he decided to forego a collegiate course, and entered his father's store in Hamburg, S. C., in 1848, being then sixteen years old. He commenced in the most subordinate position, but in the following year had made such progress as to be intrusted with the books of the firm. At twenty years of age, during a somewhat lengthened absence of his father, he had the sole charge of the business, and acquitted himself with great credit. In 1853 he was taken into partnership with his father under the style of J. Sibley & Son, and in 1855 the business was removed to Augusta, Ga. In 1857 his brother, Samuel H. Sibley, was admitted into the firm and the name changed to Josiah Sibley & Sons. In 1859 he became a member of the City Council of Augusta, in which he took a prominent part in advocating and subsequently inaugurating the Augusta Water Works, which now supply the city with an abundant quantity of water. In November, 1861, he enlisted as a private in the Oglethorpe Infantry, Company B, and served for six months on the coast of Georgia. Their term of service having expired, he then volunteered in Caper's Battery of Artillery, but before he could join his company he received a telegram from Brigadier-General John K. Jackson, of Augusta, then at Tupelo, Miss., offering him the position of Brigade Commissary on his staff with the rank of Captain. Accepting this appointment, he accompanied the expedition of General Bragg through Kentucky, and, although at times the army was under half rations during that campaign, he managed through his individual exertions to keep General Jackson's brigade on full rations, besides issuing rations from his supplies to several other brigades on the retreat from



Kentucky. On their arrival at Knoxville, he had a wagon-load of wheat and some 2,800 lbs. of bacon still on hand. His arduous duties and the exposure during this campaign brought on an attack of chronic diarrhoea, notwithstanding which he attended to his duties as usual, keeping the brigade well supplied with provisions. In this campaign of six weeks he was reduced fifty-nine pounds in weight by this attack, and at its conclusion, being too ill to remain in camp, was transferred to the hospital at Augusta. Rejoining his command the day after the battle of Murfreesboro, he was again prostrated by the disease and confined to his quarters for some weeks at Bridgeport, Ala. On his recovery he was transferred to Chattanooga, where he was on duty until that city was evacuated; he remained in the field until the army fell back to Dalton, when, being broken down by a return of his old disease, he was furloughed and sent home, and finally retired from active service in 1863. In 1864, at his own request, he was placed on duty at Augusta as Post Commissary, with the rank of Major, dating back to General Bragg's Kentucky campaign, and filled that position until the close of the war. For several weeks after the surrender, at the request, first of General Upton and afterwards of General Molyneux of the United States army, he continued to act as Commissary, issuing rations to the Confederate soldiers returning from Lee's and Johnston's armies en route to their homes and to the hospitals in Augusta.

In 1865 he withdrew from the firm, George R. Sibley being admitted in his place, and removed to New Orleans, where he became a member of the firm of Sibley, Guion & Co. This firm was dissolved January 1st, 1868, and Mr. Sibley continued in the shipping and commission business on his own account in New Orleans until the spring of 1870, when he was unanimously chosen President of the Langley Manufacturing Company, then just organized. He consequently removed to Augusta, where the financial business of the company is conducted, and at the same time was associated with B. S. Dunbar as buyers of cotton on commis-

sion, under the firm of Dunbar & Sibley. This firm was dissolved in April, 1878, and from that time Mr. Sibley has given his whole time to the interests of the Langley Manufacturing Company. This company was organized in March, 1870, the factory being situated at Langley, S. C., about eight miles from Augusta, Ga., where the general management is conducted. In July, 1871, a heavy loss was sustained by the carrying away of the dam, then all but finished, and much delay was experienced in commencing operations. Notwithstanding this drawback the mill was in full operation at the end of March, 1872, and continued a prosperous career until 1876, when some \$19,000 was lost by a fire. The capital of the company is \$400,000, all of which and more was expended before the mill was in full operation, so that the company commenced business in debt and with no commercial capital. Up to December 31st, 1876, the interest paid amounted to \$29,000, while the damages done to the Bath Paper Mill Company, by an accident to their dam, cost them \$14,000. The company has paid in dividends, to July 15th, 1878, \$144,000, and at that date had, to the credit of profit and loss, the sum of \$149,000 to use as a commercial capital. The net earnings for the six months ending June 30th, 1878, were \$24,023 $\frac{3}{10}$ , or six per cent. on the capital for that half year. The mill, which is a two-storied building, 227 feet by 106 feet, contains 328 looms and 10,560 spindles. The extent of the company's land is 4,500 acres, and, besides the mill, there is a cotton warehouse, gas-house, and all the necessary out-buildings. The water-power is sufficient to double the present machinery, and this extension is contemplated at no distant day. The company has erected a village of over one hundred houses on their land at Langley, named after the promoter of the company, and there is now a population of over 800 inhabitants where eight years ago there was not a dozen people. The number of operatives averages about 330, of whom 122 are males and 208 females; nine-tenths of them are natives of the Southern States, and, as a class, they are pronounced fully equal, if not superior, to

the best Northern operatives. The factory is in operation eleven hours a day, and the wages paid average \$3,000 per fortnight. The product for 1877 was 6,221,512 yards of sheetings, shirtings and drills; the cotton consumed was 5,426 bales, weighing 2,460,800 pounds, and the value about \$400,000. The goods find a ready sale all over the United States and Canada, and considerable quantities are exported to Germany, Africa, etc., etc. The company furnished goods for the United States government supplies to the Indians in the years 1875, 1876, and 1877. Mr. Sibley is a Director of the Bank of Augusta, and a Director of the Augusta Land Company. He is a member of the Presbyterian Church, and a Deacon of the First Presbyterian Church, Augusta, of which the Rev. Dr. Irvine is the minister.

He married, November 7th, 1860, Jane E. Thomas, daughter of Judge G. E. Thomas, of Columbus, Ga., and has nine children, six boys and three girls.

#### JUDGE E. T. MERRICK.

LOUISIANA.

**G**DWIN T. MERRICK was born in Wilbraham, Mass. The Merrick family is of Welsh descent, and it is supposed that their descent can be traced back to about the year 1200. Thomas Merrick, one of the original settlers and proprietors of Springfield, Mass., came to the province of Massachusetts in 1634 and settled in Springfield in 1641. From him was descended (first) Thomas Merrick, Jr.; (second) Deacon David Merrick; (third) Jonathan Merrick, a wealthy farmer and officer in the militia during the Revolutionary war, who assisted at the capture of General Burgoyne; and (fourth) Thomas Merrick, the father of the subject of this sketch. He married Anna Brewer, daughter of Charles Brewer, the owner of considerable estate at Wilbraham, and noteworthy as one of the founders of the Primitive Methodists in New England, to whom his hospitable house was a home. Thomas Merrick, the fourth in descent, in

America, had three sons, of whom William W. Merrick, Esq., is still living on his farm at Wilbraham; and Dr. Daniel D. Merrick, after practising medicine fourteen or fifteen years in the Felicianas, La., died in 1853, at the close of the yellow fever epidemic of that year. He was unusually successful in the treatment of that terrible scourge, and died from the effects of attending a patient in a house where the bedding, used by a previous sufferer from the disease, had imprudently been allowed to remain.

Susan Brewer, maternal aunt of E. T. Merrick, who subsequently married Captain David Thomas, the father of Mrs. E. T. Merrick, was born in Wilbraham, Mass., January, 1790. She early imbibed the spirit of Methodism and devoted herself to the special education of youth. She established private schools in New York and Baltimore, and was for two years a teacher in the New York Wesleyan Academy, New York, where, becoming a member of the family of the Rev. Dr. Bangs, she enjoyed unusual privileges of association with the great teachers of her religion. When the Wesleyan Academy at Wilbraham was successfully established by the eminent teacher, Dr. Fisk, she returned to her native village, after an absence of ten years, as preceptress of that institution. Two years afterwards she went South to take charge of the Alabama Conference Seminary at Tuscaloosa, Ala., and for five years enjoyed the highest reputation as an instructress of youth in that State, in which she established numerous schools. She then took charge of the Elizabeth Female Academy at Washington, Miss., and two years later, having married Captain David Thomas, of Jackson, La., her active duties as a teacher ceased. Through her instrumentality not less than sixty teachers were, from time to time, brought from the North into the Southern States. Well-merited tributes were paid to her unceasing labors in the cause of religious education by Dr. Fisk, who remarked that "Mrs. Thomas was a pioneer in the cause of religious education in the South;" and by Dr. Kennon, who said "That the whole State of Alabama was indebted to her for having brought into the field so many



*E. P. Herrick*



teachers of high religious character." She also contributed largely by her interest and influence to the ultimate success of Centenary College, Jackson, La. Mrs. Thomas gained almost as high a reputation as a writer as she had as a teacher, and was for many years a contributor to the *Methodist Magazine*, *Youth's Magazine*, *Young Ladies' Companion*, etc., etc., and correspondent of the *New Orleans and North Carolina Advocates*. In 1849 her husband died, and in 1857, although arrived at an age—sixty-seven—when most of her sex would have shrunk from an undertaking involving such exertion and so many risks, she crossed the Atlantic and made an extended tour of Europe. She visited Great Britain, Belgium, France, Germany, Switzerland, Italy, Egypt, Palestine, Syria, Greece and Austria, and on her return published the results of her observations in a volume which, while giving a graphic description of places made sacred by genius, heroism and antiquity, contains much to interest the scholar and the antiquary. In July, 1876, while in the enjoyment of a hale and vigorous old age, she met with a fatal accident at Biloxi, Miss.; stepping from one car to another while the train was in motion, she missed her footing and was crushed beneath the wheels. She is buried in the beautiful cemetery called "the Dell," in her native town.

Thomas Merrick dying while his children were of tender age, Edwin T. Merrick went to reside with his maternal uncle, Mr. Samuel Brewer, at Springfield, N. Y., where he received his primary education. Mr. Brewer was a magistrate and postmaster in that village, and died subsequently at a very great age, in Wisconsin. In 1828 Mr. Merrick returned to Wilbraham, where he entered the Wesleyan Academy, taking a thorough classic course. Among his classmates at the academy were Oscar H. Shafter, of Vermont, who afterwards became eminent in one of the Western States; Mr. Stebbins, subsequently a distinguished divine; and many others who have since achieved distinction. Bishop Keener, of New Orleans, was at that time in a junior class at the same insti-

tution. Mr. Merrick commenced the study of the law under Mr. William Knight, of Wilbraham, and in 1832 removed to New Lisbon, Ohio, where he finished his legal studies under his uncle, Colonel A. L. Brewer, who subsequently became an officer in the Federal army, and was killed in service by the accidental explosion of a steamboat.

Judge Merrick was admitted to the bar at Columbus, Ohio, in December, 1833, by a very able Bench, consisting of Judge Lane, an accomplished scholar and most noble-minded gentleman, who afterwards endeared himself to the people of Ohio by his devotion to the sick in the terrible epidemic of cholera in 1850; Judge Wright, Judge Collet, and Judge Woods. He commenced the practice of his profession at Carrollton, Ohio, in 1834, and a year afterwards returned to New Lisbon, where he took charge of the legal business of his uncle, then about to retire from practice. Shortly afterwards he formed a partnership with Mr. William E. Russell, who soon thereafter retired from the profession. In 1838 he became associated with Mr. James H. Muse, and removed to Clinton, La. Before practising in Louisiana it became necessary for him to study the civil law, that State being the only one in the Union in which the civil law has been retained as the basis of jurisprudence. The intercourse between the people of Louisiana and the citizens of other States have given rise, in consequence of the dissimilarity of the two systems of law, to more numerous and intricate questions of conflict of laws than in the courts of any other State. He was admitted to the bar of Louisiana in March, 1839, Judge Eustis, who was then on the Bench, signing his diploma. He rapidly acquired an extensive practice, and so great was his reputation among the citizens of Clinton and its vicinity, that no case of any importance was litigated without Mr. Merrick being retained on one side or the other. One of the most remarkable cases in which he was engaged at this period of his career was that of *McCord & Co. vs. The West Feliciana Railroad Company*, in which \$530,000 was involved. The plaintiffs, who

were the contractors for the construction of the road, but a firm of very little responsibility, endeavored to compel payment for the contract price of the whole work done, and to be done, under the pretence that the railroad company had neglected to pay them according to the contract, and thus deprived them of their profits. The distinguished counsel for the plaintiffs, Judges Morgan, Boyle, and Ratliff, on one occasion made a most strenuous effort to force a trial, at a time when the railroad company was unprepared to produce its evidence, but Mr. Merrick was sufficiently alert to the interests of his clients to frustrate these tactics, and after an appeal was taken to the Supreme Court, obtained a final decision in favor of the railroad company. The trial of this case before a jury was extended to the unprecedented length of within seven days of three months. It may be mentioned also that Mr. Merrick was, with his associate, Mr. Muse, engaged for the defence in *Morgan vs. Yarborough*, the only suit for breach of promise of marriage ever brought in Louisiana. Judge Isaac Johnson, afterwards Governor of Louisiana, who for several years presided over the Third District Court, always spoke in the highest terms of his abilities and of his conscientious discharge of his duties in cases before his court.

In 1854 Mr. Merrick was elected Judge of the Seventh Judicial District of Louisiana—East and West Feliciana—and, by interchanging with Judge Waterson, held courts in St. Helena, Washington and St. Tammany. In St. Tammany and Washington parish especially the cases for trial had accumulated greatly, and by clearing the docket he earned the gratitude of the litigants, and much popularity in the district.

In June, 1855, at the request of the Feliciana bar he allowed his name to be used as a candidate for Chief-Justice of Louisiana, his competitors being John K. Elgee, Thomas H. Lewis, James M. Elam and Alfred Hennen, all gentlemen of great legal reputation. The districts in which he was known—East and West Feliciana, St. Tammany and Washington—were almost unanimous in his support, but New Orleans was largely

in favor of Mr. Elgee, the Democratic candidate, while Judge Merrick was an old-line Whig. The State at large, however, in spite of the support accorded to Messrs. Lewis and Elam, who were of similar political principles to his own, pronounced in his favor by a considerable majority. He presided over the Supreme Court for the first time at Monroe, La., in the summer of 1855, and on taking his seat in the session of the court at New Orleans, in November, found his colleagues engaged in the important Draining Company case, in which a large amount was involved, and considerable feeling exhibited on account of the opposition to the drainage tax. The Associate Judges were equally divided as to the constitutionality of the charter of the Draining Company, formed in 1839, for the purpose of draining the swamps in the rear of the city of New Orleans, and the Chief-Justice settled the question on the ground that the health of the citizen was one of the most obvious cares intrusted by a people to the government of a State. In the fall of that year he removed to New Orleans, and in the latter part of 1856 moved his family to that city, where, with the exception of the war period, he has been domiciled ever since.

Prior to the war Judge Merrick had been a member of the Whig party and a staunch supporter of the Union, but when in 1861 it was evident that the Southern people had resolved on secession, it became necessary to decide to which his allegiance was primarily due, the State of which he was a citizen or the Federal government. The logic of the Constitution and his own convictions left him no room to doubt, and he cast in his lot with his State—the birthplace of his wife and children and the final resting-place of his mother. No change in the State officers was made on the establishment of the Confederate government, and the courts having adjourned temporarily, he remained with his family for some time on his plantation at Point Coupee, near the mouth of the Red river. When New Orleans fell into the hands of the Federal forces his residence in that city was seized both by the military authorities and by the

marshal of the Federal court, and his household furniture and effects sold. In the summer of 1862 he went to Monroe for the purpose of holding a court, but his colleagues were not in attendance. In 1863 his term as Chief-Justice having expired, he was re-elected to that office. In February, 1863, the Federal gunboats having passed the Red river landing he determined to leave his plantations—Myrtle Grove and Tanglewood—for a time, the cotton on the latter having been burned by the Confederates on the fall of New Orleans. He accordingly, at the solicitation of his colored hands, which coincided with his own views, moved to Pleasant Hill, La., at that time containing a college and some handsome residences, and there remained till the close of the war.

He held two terms of the Supreme Court at Shreveport, La., with Associate Justices Land, Manning and Bouford—Justice Voorhies being detained as a prisoner in New Orleans by the Federal authorities. In December, 1862, the State Legislature was summoned to meet at Opelousas, and the impression prevailed among the members that it would be impossible to organize because they had not a quorum of the whole number as provided by the Constitution. Judge Merrick suggested a manner in which this difficulty might be overcome; he pointed out that New Orleans and some of the parishes being in the possession of Federal authorities were practically cut off from the remaining portion of the State, and were as effectually lost to Louisiana as if they had been formally annexed to some other State or sunk to the bottom of the sea; what remained, therefore, was all that constituted the State of Louisiana, and providing a quorum was present of the representatives of that portion the Legislature might be duly organized. This suggestion was adopted, and when the question was afterwards submitted to the Supreme Court at Shreveport its legality was sustained, the court holding that it was not necessary for the organization of the Legislature that the representatives from the captured portions of the State should take part in their deliberations. His opinion on this question was

published all over the Confederacy. After the fall of Vicksburg he was summoned to Marshall, Texas, to meet delegates called at the instance of the Confederate government at Richmond, from Arkansas and Texas, in conference concerning the affairs of the Trans-Mississippi Department. Chief-Justice Merrick and Judge Voorhies represented Louisiana, Governor T. O. Moore having declined to attend; the two Confederate Senators and one or two others were present on behalf of Arkansas; and Governor Lubbock, then in the executive chair, and Governor Murrough, the incoming Governor, with a Senator and several Representatives from the Confederate Congress, represented Texas. Several Generals were also present. This conference was conducted in a very orderly manner; various committees being appointed to which the instructions received from Richmond were delivered. The principal question discussed was the manner in which the future government of the Trans-Mississippi Department should be conducted, and Judge Merrick recommended that the civil affairs of the department should still be administered by the officers of the respective States, a suggestion which was cordially acquiesced in by General E. Kirby Smith, the military commander of the department.

Judge Merrick's plantations were overrun by the Federal troops in 1864, and swept of provisions and farming implements, but more fortunate than some of his neighbors, his dwelling-house was not burnt, and his family had at least the shelter of a roof over their heads. The Judge was at this time with the principal portion of the colored laborers absent in western Louisiana, but so ready was Mrs. Merrick to adapt herself to these altered circumstances, and so skilful her management, that on the Judge's return, some months later, he found everything renewed, and what was so lately a desolate waste once more smiling with abundance. In July, 1865, Judge Merrick returned to New Orleans to look after his property which had been seized by the Federal authorities, and after much opposition from irresponsible and unprincipled officials, succeeded, by the payment of consid-

erable sums of money, in obtaining possession of his former residence and grounds. While engaged in his private affairs a partnership was proposed to him by Colonel G. W. Race, who, in association with Mr. W. H. Foster, had conducted a successful legal practice previous to the war. In the fall of 1865, accordingly, the present firm of Merrick, Race & Foster was formed, and the Judge is still actively engaged in an extensive practice in the State and United States courts. For some time, in common with other Southern members of the bar, he was excluded from practice in the Federal courts by the action of Judge Durell, who arbitrarily enforced "the Lawyer's Test Oath," while admitting that he did not believe it constitutional. Judge R. H. Marr, with rare public spirit, went to Washington to argue the case before the Supreme Court of the United States, and, in January, 1867, a decision was obtained which opened the Federal courts to the Southern lawyers.

In May, 1867, Judge Merrick, in an address, delivered before the graduating class of the Dolbear Commercial College, New Orleans, gave the following practical advice to those just entering upon the active duties of life at that gloomy period in the history of the South :

"While everything is unsettled and uncertain you find yourselves emerging from your studies and about to step forward and assume a place among those who are taking part in the busy scenes around you. Happy will it be if you read the signs of the times aright, and adapt yourselves at once to the changed circumstances of our beloved country. The young have pliant minds, as well as limbs, and it is not so hard for them to take things as they are, and conform to the present condition of affairs, as for those advanced in years. With either it is folly to quarrel with events or refuse the good available in the present, because it does not compare, according to our own estimate of things, with the golden standard of the past. . . . There is dignity in labor. No one ever failed to admire those personal acts which friendship or affection inspires. The object of them makes such acts, however arduous or fatiguing, honorable and

graceful. Now, in a time when our country needs the labor and industry of every one to restore her wasted places and bring back prosperity and plenty, can you imagine a more worthy object for our toil? If it is honorable to assist a sick parent or relative, much more is it so when that place which we call our country requires our labor. Let us discard all false notions; let us respect and honor the man, whoever he may be, who by his honest toil is advancing the prosperity of our country by adding his own labor to her wealth. Let us not despise the day of small things. The times demand energetic men, and those who have courage and nerve to do any honest thing which will lessen their expenses and advance their interests are worthy of our respect and esteem."

On the 23d of January, 1871, Judge Merrick read before the New Orleans Academy of Sciences a paper, entitled "The Laws of Louisiana and their Sources," from which we make the following extracts referring to the more marked peculiarities of the laws of Louisiana :

"Under our State law, equity and law are administered together. . . . Equity, among other things, grants relief in the following cases, viz. : Suits for the specific performance of contracts for the sale of real estate ; to foreclose or redeem mortgages ; to stay waste of lands ; to enforce trusts ; to relieve against fraud, and enjoin parties against enforcing judgments of courts at law where obtained by fraud ; to compel a party to answer under oath, in order that the replies of defendant, or the documents where any are disclosed or existing, may be used as evidence in suits at law ; to settle long and intricate accounts ; to marshal securities ; to settle boundaries ; to correct mistakes in contracts ; to relieve in some cases against penalties and forfeitures, and to protect the rights of married women, minors, etc. It is thus seen from the examples given that equity embraces a very considerable portion of jurisprudence, and, as it is governed by principles of its own, it is easy to see that, in many instances, it may come in conflict with the State laws. For, if citizenship gives the United States courts jurisdiction, and



the case be one of exclusive equity jurisdiction, and should be brought in the United States courts, it will not be heard except on the equity side and according to the rules in equity, no matter what is the State practice in the same case. The practice on the law side of the courts of the United States sitting in Louisiana in civil cases is governed by the practice of the State, which practice was adopted in 1824 by the act of Congress for the Federal courts. Criminal proceedings, both in the courts of the United States and the State courts, are conducted according to the forms of the common law. . . . Unlike the original States of the Union, we have no common law offences, and all crimes and misdemeanors are created by statutes. . . . One of the most marked peculiarities of the laws of Louisiana, as compared with the laws of the other States, is the institution of the community of acquets and gains. It is more favorable to married women than any other system with which I am acquainted, except the Spanish laws of the Indies, from which it was, I think, immediately taken. By the custom of Paris and the Napoléon code, the personal effects of the wife, in the absence of a marriage contract, fall into the community. Under our law, in the same case, the personal effects remain the property of the wife—that is, they remain paraphernal. The advantages of the institution are decidedly in favor of the wife. The husband cannot withdraw from the partnership, and he, the community and his separate estates are alike bound for the debts of the community as it respects third persons. The wife, on the other hand, can, at its dissolution by death or divorce, withdraw from it without detriment to her separate estate, and where the affairs of the husband are embarrassed, she can be declared separate in property from her husband by the courts, and sell under execution the community or his estates to reimburse herself for any property or money used by him in his business, and as the law gives her a mortgage for her security, she is always a formidable adversary to a creditor seeking to recover a debt even of the community. The income of the husband

(married without a marriage contract) from his own labor, and from his separate property, falls into the community without any ability on his part to prevent it. On the other hand, the wife has at all times the absolute right to withdraw from her husband (by contributing one-half of the matrimonial expenses) her separate or paraphernal property, and to manage it herself, and reinvest the income thereof in her own name and for her own use, and I know no law to prevent her also from sharing in the community at its dissolution. The husband, it is true, is the head and master of the community during the existence of the marriage, and can dispose of the effects of the same at his pleasure and without his wife's sanction by onerous title—that is, for an equivalent; but if he conveys the same by gratuitous title—that is, by gift or donation, his estates become responsible to the wife for the loss. If prior to or at the marriage the parties choose, they can settle property in what we call dower, the *dôs* of the civil law. Property so settled cannot be sold by either husband or wife, or both (except in one or two cases), during the marriage, and thus the wife is assured of her estate at the termination of the marriage.

“These laws, such as they are, and with their slight imperfections, are justly dear to the people of Louisiana. They have protected and shielded the home and the fireside, the labors, the bargains and the acquisitions, the estates, and the persons of this people during all the growth of the State of Louisiana. The immigrant who has come here from the sterile hills of New England, from the more genial climes of the South, from the fertile fields of the West, as well as our ancient French, Spanish and German populations, have approved and blessed these laws. To those who would like to see the body of the common law introduced among us we say, What have you of value in the common law? The trial by jury, the *habeas corpus*, known and defined crimes and offences, and enlightened rules of evidence? We have it all here, and more: Your criminal law is ours:

your commercial law also is ours. But we have also the most admirable provisions of the civil law filled with benevolence, equity and justice, to regulate our dealings and define our rights in our every day life. That our laws, like all others, may require amendments to make them more perfect, none will deny. Let us amend, but never change them for others, of which our people have no experience, and the adoption of which promises us no advantages in the future."

Among the more prominent cases with which Judge Merrick has been identified is the *cause celebre* known as the "Gaines case." Myra Clark Gaines, the daughter of Daniel Clark by a concealed marriage with Zuline Carriere, was educated in Philadelphia as the supposed daughter of Colonel S. B. Davis. When she arrived at the age of womanhood, she discovered that she was the daughter of Daniel Clark, and began proceedings to recover her rights, the litigation connected with which covered a period of nearly half a century. She married first Mr. W. W. Whitney, a lawyer of New York, and after his death became the wife of General E. P. Gaines, of the United States army, then in command of the Southern Department, who died previous to the war. She claimed that her father, Daniel Clark, died on the 16th of August, 1813, having on the 13th of July previous executed a last will and testament, by which he recognized her as his legitimate and only daughter, and constituted her his universal legatee, subject to the payment of certain specified legacies; that the will was wholly written, dated and signed in the handwriting of Daniel Clark, and at his death left among his papers at his residence; that, after his death, diligent search was made for the will, but it could not be found, and that it was either mislaid or destroyed. These allegations being presented in the Court of Probate before Judge Lea, he found the facts as stated proved, but refused to admit the will to probate, on the ground that the law demanded the production of the will. On appeal to the Supreme Court of Louisiana in 1855 this decision was reversed, Chief-Justice Merrick preparing and reading the opinion and decree, Judges Voorhies and Spof-

ford concurring, Judge Lea dissenting, and Judge Buchanan declining to take part. The opinion, delivered February, 1856, concludes as follows:

"Considering that the administration of justice requires something more than the application of the letter of the law designed for one class of cases of ordinary occurrence to all others, however they may have been modified by accident, and believing that the spirit of our laws provides for the case which the applicant has presented us, we conclude that the will of 1813, such as she has set forth in her petition, should be admitted to probate. It has been objected (as we understand the argument) that this court has no jurisdiction of this case on appeal under the Constitution, because there is no *contestatio litis* formed, and because there are no proper parties to the appeal. We dismiss this objection with the single observation, that it is not necessary under the Constitution that there should be a technical *contestatio litis* in order to give this court jurisdiction, and if the attorney of absent heirs was even necessary as a party, his presence here is sufficient to sustain the appeal. We are not insensible to the argument that this claim has remained for forty years without being set up in a court of justice in a form to be prosecuted to effect, and that rights have been acquired under the sales made under the will of 1811. The staleness of petitioner's suit is best answered by the reference to the litigation in which petitioner's alleged rights have been prosecuted in other forms, and we may suppose it did not become necessary to resort to the unusual proceeding of applying for the probate of a lost will until after those cases were decided.

"The plaintiff presents to us a *prima facie* case, which entitled her to relief. The decision which we make does not conclude any one who may desire to contest the will with her in a direct action, and to show that no such will was executed. On the other hand, a refusal to probate the will places it beyond the power of the applicant to set up her rights under the will against any other person.

"It is therefore ordered, adjudged and decreed by the court, that the judgment of the lower court be avoided and reversed, and proceeding to render such judgment as should have been rendered in the lower court, it is ordered, adjudged and decreed, that the will of Daniel Clark, dated New Orleans, July 13th, 1813, as set forth in the plaintiff's petition, be recognized as his last will and testament, and the same is ordered to be recorded and executed as such; and it is further ordered that Francois DUSOUAU de la Croix be confirmed as testamentary executor of said last will and testament, and that letters testamentary issue to the said De la Croix, and that the costs of the proceeding be borne by the succession."

This decision gave Mrs. Gaines a standing for the first time in the courts of the United States. At the December term, 1860, the Supreme Court of the United States in rendering a judgment in the case of *Gaines vs. Hennen*, which they supposed terminated the controversy, said:

"When hereafter some distinguished American lawyer shall retire from his practice to write the history of his country's jurisprudence, this case will be registered by him as the most remarkable in the records of its courts."

In December, 1867, the Supreme Court of the United States in the case of *Gaines vs. The City of New Orleans*, after carefully examining the grounds upon which the decision of the Supreme Court of Louisiana had been based, and considering the unusual character of the proofs, and the prejudices engendered by the litigation growing out of Mrs. Gaines' contests for her rights, delivered a judgment, from which we extract the following:

"The litigation has been pursued by Mrs. Gaines through a third of a century with a vigor and energy hardly ever surpassed, in defiance of obstacles which would have deterred persons of ordinary mind and character, and has enlisted on both sides, at different periods, the ablest talent of the American bar. . . . The influence of the probate of the will of 1813 in deciding the civil status of Mrs. Gaines cannot be overestimated. Without the evidence which it fur-

nishes her legitimacy might be questioned, but with it in connection with the other evidence in the record it is hard to see how it can longer be doubted. The circumstances under which the will was recognized are peculiar, and entitled the court which pronounced it valid to the tribute of our admiration. It was proved by the memory of witnesses forty-three years after it was made, in the height of the litigation instituted by Mrs. Gaines to obtain the possession of her father's estate; but notwithstanding the effect of the probate was to recall the will of 1811, and endanger titles acquired under it, so strong was its proof of authenticity, and so complete the evidence of its contents, that the court, administering justice in the midst of a people hostile to it, did not hesitate to order it to be recorded and executed as the will of Daniel Clark. . . . To the discredit of the friends of Daniel Clark this child grew to womanhood in utter ignorance of her rights and parentage, and did not ascertain them until 1834 (then not fully), since which time she has been endeavoring to obtain her rightful inheritance. Owing to the lapse of time, it was difficult to reach the truth, and necessarily for many years she groped her way in darkness, but finally she was able to show the great fraud perpetrated against her, for in the judgment of the Supreme Court of Louisiana she established the validity of that very will which forty-three years before her father had executed in her favor. This action of that court settled what was before doubtful—her civil status—and removed the difficulty she had formerly encountered in pursuit of her rights. The questions of law and fact applicable to those rights were determined in the case of *Gaines vs. Hennen*. After argument by able counsel and on mature consideration, we have reaffirmed that decision. Can we not indulge the hope that the rights of Myra Clark Gaines in the estate of her father, Daniel Clark, will *now* be recognized?"

The hope thus expressed proved to be delusive. Mrs. Gaines' opponents began the controversy *de novo* in the Probate Court of Louisiana, from which an appeal was made to the

Supreme Court of the State, and in both instances the decision was against her. Again it came before the Supreme Court of the United States, on a writ of error taken by Mrs. Gaines; and finally, in 1875, the United States Supreme Court reversed the decision of the Supreme Court of Louisiana and remitted all parties to the Federal Courts, where Mrs. Gaines had but little difficulty in obtaining her rights.

Judge Merrick has had the degree of Doctor of Laws conferred upon him by the Centenary College, Jackson, La., of which institution he was formerly a Trustee. He possesses a clear logical mind, trained by an excellent education in his youth, and is endowed in an eminent degree with those qualities which enter into the composition of the legal mind. As a "civilian," as apart from the common law, he has no superior in Louisiana. He is not only an excellent English and French scholar, both of which languages are necessary to the practice of the law in Louisiana, but he is also well versed in German, in which he has studied the law. One of the most laborious of students, he possesses a wonderful capacity for work, and commonly devotes fourteen hours a day to his profession. A large element in his success has been his reluctance to encourage litigation and the honest expression of his convictions as to the merits of a case at its inception. While liable to be strongly impressed with a client's statement of a case, no fee could tempt him to engage in a civil cause which he was convinced was unjust. For the poor he has given the most indefatigable labor, frequently incurring considerable personal expense in order to insure justice being done them. But as a Judge he is even higher than as an advocate. He had the advantage of a sound common law education, which, added to his acknowledged ability as a civilian, has served greatly to enrich his decisions. Until the close of the war the Louisiana Bench always stood deservedly high before the whole country, but his decisions, which are still frequently quoted, show him to have had but one equal—Chief-Justice Xavier Martin, the distinguished jurist and first Chief-Justice of Louisiana. As a Judge

he was very independent and never hesitated to place on record the reasons of his dissent when he thought his colleagues erred in their conclusions, while several of his dissenting opinions have been declared to be law by his successors. While holding very decided opinions, he has steadily stood aloof from politics, and consistently pursued a conservative course. To the amiability of disposition and purity of mind of a woman, Judge Merrick adds, in a quiet way, the iron will and tenacity of purpose of an Andrew Jackson, and beneath a somewhat reserved exterior conceals a nobility of mind and warmth of heart, which only those who know him intimately can adequately appreciate. He is an ardent student of astronomy, keeping well abreast of the latest discoveries, while chemistry, geology, palæontology and other modern sciences are not neglected.

He was married in 1840 to Caroline E. Thomas, daughter of Captain David Thomas, of East Feliciana, La., who served in the war of 1812, and was a devoted friend of General Andrew Jackson. Mrs. Merrick is a lady well known in New Orleans society for her attainments, her rare conversational powers, and active participation in benevolent works and charities. In the South she is also one of the first of her sex who has long believed that the condition of women would be improved, and the welfare of the State promoted, if they were possessed of the right of suffrage. So much in earnest was she in her views on this subject that, when invited to appear before the recent convention and present the claims and explain the wishes of the women of Louisiana in regard to woman's suffrage, she came forward and addressed that body of the people's representatives, advocating equal rights and the emancipation of woman from her legal disabilities.

The result of the efforts of the delegation of ladies, who received a courteous hearing on that occasion, was the following article adopted in the new Constitution: "Art. —. Women, twenty-one years and upwards, shall be eligible to any office of control or management, under the school laws of this State."

A journal, in a distant State, said of this concession, in a friendly editorial: "This is a great step in the right direction, and shows how the public sentiment is sure to become incorporated in the laws. The result in Louisiana must encourage every worker for Equal Rights."

During the war Mrs. Merrick, in the enforced absence of her husband within the Confederate lines, was thrown entirely on her own resources to protect their property and administer the hospitalities of the plantation, Myrtle Grove, during that peculiarly dangerous and trying period. General Walker's division of the Confederate army was for ten months encamped in the vicinity, while the whole Federal army under General Banks, on two different occasions, passed through, and sick stragglers from both armies were constantly asking for supplies or craving medical aid. These were tenderly and cheerfully granted while the army remained. There was no hospital in the neighborhood, and Mrs. Merrick had a sick-room especially fitted up for the accommodation of the sick Confederate soldiers. She gave them a mother's care and acted herself as their physician, no doctors being obtainable in the neighborhood. She had the proud satisfaction of never having lost one of her many patients, and some of the Federal soldiers afterwards showed, by affording her protection from pillage, their appreciation of her unselfish devotion, irrespective of section, to the sacred cause of suffering humanity. Soon after the second and most ruthless passage of the Federal troops, her misfortunes culminated in an even more severe disaster—the overflow of the Red river district and crevasses on the neighboring plantations, destroying everything that had escaped the raiders. The neighbors, during the war period, shared most things in common, and helped each other with supplies or necessaries as occasion arose, but when this disastrous overflow took place the resources of almost every one were swept away, and their position became most precarious, not to say desperate. It was necessary for some one to make their way over the submerged country to New Orleans, and purchase supplies for the

neighborhood. Mrs. Merrick, although naturally exceedingly timid on the water, determined to attempt the feat of reaching the Red river landing, some ten miles distant, in a frail skiff extemporized by one of the neighbors for the occasion. The channel of the river for some distance could only be traced by the tops of the trees, while here and there a deep crevasse, rushing with the headlong force of the rapids, made it dangerous for so small and slight a craft to pass without being drawn irresistibly into its vortex. To add to the risk the two negroes who acted as oarsmen were totally inexperienced in the art of rowing, and nothing but their devotion to the safety of their mistress and the exertions of a faithful old negro, who acted as steerer, saved the whole party from destruction. She eventually reached the Red river landing, however, in safety, from whence she was enabled to take steamer to New Orleans, and in a few weeks returned, with ample supplies, to her flooded-out neighbors, being spared a repetition of her former perils at the end of her journey by the courtesy of the commander of a Federal gunboat, who transported her over the submerged district to her home. In spite of all her trials, however, she describes her war experiences as being one of the happiest epochs of her life, calling out, as it did, to the fullest extent, the exercise of her every faculty; the very danger and uncertainty of the morrow causing her to enjoy with greater zest whatever of good or of happiness presented itself in today. Mrs. Merrick is Vice-President of the Woman's Foreign Missionary Society, New Orleans, in the success of which she takes the deepest interest; a member of the Board of Trustees and Secretary of St. Anna's Asylum for Aged and Destitute Women and Children, New Orleans; and President of the Ladies' Sanitary and Benevolent Association, New Orleans. At one of the meetings of the latter she read a paper devoted to the discussion of the perhaps homely and uninviting, but certainly most important question, "Where shall our clothes be washed?" The paper is so full of good sound common sense that we make a short extract:

“In the face of some difficulties and annoyances I think it would be best for us to have this work performed at home—for the first and paramount reason I shall now give: It has been ascertained that many diseases are communicated and propagated in cities by means of the public laundry. You need not be surprised to learn that ringworms and other herpetic eruptions, to say nothing of scarlet fever and infections even more dire and perilous, are all capable of being spread abroad in this simple but sure way. If your apartments have ever overlooked one of these places you might have observed the sorting out of the ‘pieces.’ Is it certain that none of that huge pile of pocket-handkerchiefs have been used on sore eyes? You see they all go in the same tub. There is risk and danger in the whole proceeding—fearful to contemplate. Did it ever occur to you to think of it? Then there are articles of your clothing which, even in the short time they are out of your possession, are liable to be worn by others. Now if you knew the fact, no matter how nicely they might be ‘done up’ afterward, they never again would seem to be clean. . . . The Chinese launderer uses his mouth instead of a patent rubber sprinkler. Now what could be more disgusting than tablecloths, towels and napkins, dampened in such a way for ironing? . . . Ladies, do I exaggerate when I say that the heaviest and most substantial fabrics, not to mention mosquito bars and lace-curtains, are liable to become little better than bundles of rags in one-half of a single decade of years? I have heard gentlemen say they thought it was the friction of the washboard which made such havoc with their fine linen. I think it may be that more of the damage is due to deleterious washing compounds. Concentrated lye, sal-soda and potash, are liberally used to facilitate the bleaching process, often at the expense of the garment falling to pieces. I have myself known the delicate skin of a young infant irritated and abraded by clothing washed with these mixtures.”

Judge Merrick has had four children. His

eldest son, Captain David T. Merrick, left college in the spring of 1861, at the age of nineteen, and commanded a company of infantry under General T. J. Jackson (Stonewall); he participated in more than a dozen hard-fought battles, and at Gettysburg had but one man of his company left. He afterward was in command of a company of sharpshooters, and was subsequently placed on the staff of General Leroy Stafford, as Inspector-General of the Second Louisiana Brigade. At Paine’s Farm (Mine Run) he was dangerously wounded by a minie-ball passing through his head from near the right ear over the cavity of the mouth, cutting off the lobe of the left ear. His recovery in spite of the loss of blood from the lesion of an artery is considered one of the most wonderful in the annals of surgery. He is now engaged in planting on the Belair plantation adjoining Myrtle Grove already mentioned. Edwin T. Merrick, his second son, is at present reading law in his father’s office. Laura Ellen, his elder daughter, married Louis J. Bright, of New Orleans, on the 2d December, 1869. She was a woman of rarest intelligence, educated in the best schools, and living in an intellectual atmosphere in her own home, which was in itself an inspiration to a growing young mind. She seemed to have an inward self-sustaining fountain of joy in her young heart which diffused happiness on all who came within its influence. Coming from a long line of tender, gentle, saintly women, she belonged to that type celebrated in story and embalmed in song. In fact she was one of those happily organized beings who are possessed of unusually refined and exquisite moral perceptions. Though wholly unacclimated, and accustomed to spending her summers in the country or in travelling, her noble and self-sacrificing devotion to the wishes of her husband caused her to remain in New Orleans every summer season after her marriage. During the great yellow fever epidemic of 1878 she fell a victim the first day of September, dying in the flower of her womanhood, leaving four motherless children, three of whom still

survive. Clara, his younger daughter, a brilliant and accomplished lady, is the wife of James B. Guthrie, a lawyer of New Orleans.

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JAMES R. RANDALL, ESQ.

GEORGIA.

**J**AMES RYDER RANDALL was born at Baltimore, Md., January 1st, 1839. His family is of English-French extraction, his forefathers being among the earliest settlers in Maryland. On his mother's side he traces his descent from the French colonists of Nova Scotia, who were driven from Acadie by the British. Longfellow in his "Evangeline" has celebrated these exiles and their wanderings, one of the principal characters in the celebrated poem being a kinsman of Mr. Randall's great-grandfather. A very old Bible in French, printed at Amsterdam about two hundred years ago, is still in the possession of Mr. Randall's family. After a course at private schools he was sent, in his tenth year, to Georgetown College, D. C., where he remained for seven years, and acquired a good classical education. A few months before graduation he was prostrated by sickness and compelled to leave the college and seek recuperation in foreign travel. After visiting several parts of South America he returned to Baltimore. In 1857 he started southward, residing for a year in Florida and subsequently in Louisiana. At New Orleans he entered the office of a stock-broker, and diversified his business employment by contributing to the press. Some of his poems which appeared in the *New Orleans Delta* attracted considerable attention, especially one entitled "Eidolon." After two years spent in commercial pursuits Mr. Randall accepted a Professorship at the Poydras College, in the parish of Pointe Coupée. While there he received news of the passage of the Federal troops through Baltimore, at the commencement of the war between the States. This acted so powerfully on his sympathies that one night, in a burst of patriotic enthusiasm, he wrote the celebrated poem, "My Maryland,"


which, set to music in April, 1861, went like wild-fire through the South from camp to fire-side, and from the Potomac to the Rio-Grande, making the author instantaneously famous. It was the "Marseillaise" of the "lost cause." Not long since Mr. Randall was requested by a member of Lord Byron's family to furnish them with an autographic copy of this poem as a trophy they would peculiarly prize. "My Maryland" was followed by several other war poems, notably "The Battle-Cry of the South," and "There's Life in the Old Land Yet." At this time, too, Mr. Randall wrote a number of miscellaneous poems, such as "The Cameo Bracelet," "Alexandrine" and "John Pelham." While a member of the Crescent Regiment Mr. Randall, whose health had never been very robust since his severe illness at college, was again prostrated by an affection of the lungs, and discharged from active service. During the remainder of the war he was in the Ordnance Department at Richmond, Va., and Selma, Ala., and afterwards Secretary or Adjutant to Flag Officer Wm. F. Lynch; Confederate States Navy, at Wilmington, N. C. He was retired from the naval service in consequence of a third attack of ill health. Recovering in some degree in 1865 he became associate editor of the *Constitutionalist* at Augusta, Ga. Upon the entrance of the Federal troops into Augusta Mr. Randall's editorial articles were so displeasing to the powers that were as to cause the suspension of the paper by military authority. In 1867, after some months absence from Augusta, revisiting the home of his boyhood, which he had not seen for seven eventful years, he returned to Georgia and became editor-in-chief of the *Constitutionalist*, which position he held during the reconstruction era, from 1867 to 1871. To the redemption of Georgia and the South he contributed powerfully with his pen; forsaking the muse for the prosaic drudgery of a daily newspaper. In 1868, however, he was moved to write the touching poem, "Arlington," which is founded upon a most remarkable incident which occurred one Decoration Day at the National Cemetery at Arlington, Va. In 1871 Mr. Randall retired from editorial

life and returned to commercial pursuits. In 1873, however, he again became editor-in-chief of the *Constitutionalist*, retaining that position until that newspaper's consolidation with the *Chronicle and Sentinel*, upon which journal he is now editorially employed. He married, in 1866, a daughter of Gen. M. C. M. Hammond and niece of Hon. James H. Hammond, ex-Governor of South Carolina, and ex-United States Senator. Mr. Randall has had five children, of whom three survive, a boy and two girls. He seldom writes poetry now, having become greatly sobered by the stern realities of life and by the monotony of the journalistic tread-mill.

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W. T. BLACKWELL & CO.

NORTH CAROLINA.

ILLIAM THOMAS BLACKWELL was born January 12th, 1839, at Woodsdale, Person county, N. C., and is the son of James L. Blackwell, a farmer of that county. He received a common school education, and during the years 1862 and 1863 taught school in his native village. Commencing life as a broker and trader in every description of merchandise, he travelled for about twelve months through North Carolina, making Greensboro' his head-quarters. He then began to give especial attention to speculating in plug tobacco, and, having bought a wagon and team, travelled round the country, in conjunction with James R. Day, now one of his partners. He was soon able to extend his operations by purchasing another wagon, and continued to peddle tobacco in the eastern part of North Carolina until the end of the war. He then, in partnership with Mr. Day, opened a jobbing tobacco-house in Kingston, Lenoir county, N. C., but still continued to send out his wagons. The principal portion of their trade was in the tobacco manufactured by J. R. Green at Durham's Station, whose method of manufacture had given his brand a considerable local reputation. It was found that there was a greater demand for the

ments were entered into to extend the capacity of the factory by the purchase, in 1868, of a half of Green's share by Messrs. Blackwell and Day. The business was thereafter carried on with increased energy, and Mr. Green, who had been for some time in failing health, dying in 1869, his interest was purchased from his heirs by the two remaining partners. In 1870 Mr. Julian S. Carr joined the firm, and since that time Mr. Blackwell has been the senior partner of the celebrated firm of W. T. Blackwell & Co., proprietors of the famous Durham smoking tobacco, but himself sole proprietor of the trademark—"the Durham Bull"—in use by the firm. Mr. Blackwell, who has all his life been more or less connected with the tobacco trade, as a judge of leaf tobacco has few equals anywhere. He gives exclusive attention to selecting and purchasing the tobacco manufactured by the firm, every pound of which passes under his inspection, and his intelligence and experience as a buyer have been important factors in the wide popularity of the Durham smoking tobacco. He may be considered the father of Durham, which, a mere village of little more than a hundred of inhabitants when he first settled there in 1868, has sprung up around his tobacco factory into a thriving manufacturing town of 3,000 inhabitants. He has been foremost in all measures looking to the advancement of the town and the welfare of its inhabitants, and the same foresight and energy which has made Blackwell's smoking tobacco famous has laid the foundation of a large and prosperous inland city. His great determination and energy combined with shrewd common sense and mother wit have made him in the best sense of the word a self-made man, while his genial disposition, kindness of heart, and unostentatious charity have endeared him to all with whom he is brought in contact.

He was married December 27th, 1877, to Emma Exum, daughter of W. J. Exum, an extensive planter of Hillsboro', and formerly of Wayne county, N. C.

James Right Day was born February 10th, 1841, at Woodsdale, Person county, N. C., and is the son of Saunders S. Day, farmer, of that



county. His father had a small tobacco factory on his farm, in which he manufactured his own and some of his neighbors' tobacco, and James was brought up as an operative there, and thus acquired a thorough knowledge of the manipulation of tobacco. In 1863 he took charge of Sam. Morgan's plug tobacco factory, five miles below Durham, and there gained considerable reputation as a manufacturer. He subsequently conducted the large plug tobacco factory of N. M. Norwood, at Bluewing, Person county. Tired of manufacturing he joined Mr. W. T. Blackwell, and with him travelled around the eastern part of North Carolina, peddling tobacco until the end of the war. He then joined Mr. Blackwell in opening a jobbing tobacco house in Kingston, Lenoir county, and in 1868 bought with him a half interest in the tobacco factory of J. R. Green at Durham's Station. On Green's decease, in 1869, his share was bought by Messrs. Blackwell and Day, who now, with Mr. Julian S. Carr, form the firm of W. T. Blackwell & Co., the proprietors of the famous Durham smoking tobacco.

Mr. Day was married February 22d, 1872, to Jenny McCown, daughter of John McCown, farmer and millwright, of Orange county, N. C. Julian Shakspeare Carr was born October 12th, 1845, at Chapel Hill, Orange county, N. C., and is the son of John W. Carr, merchant, of that place. The Carr family is of Scotch-Irish descent. John W. Carr was one of the three who previous to the war constituted the county court of Orange county, and has since been County Commissioner. Professor W. B. Carr, of Petersburg, Va., is a cousin of the subject of this sketch. Colonel Robert Bullock, his maternal uncle, was a Colonel in the Seminole war, and an elector for the State at large on the Tilden ticket, and candidate for Lieutenant-Governor of Florida in 1875. Julian S. Carr received his early education at a school in the vicinity of Chapel Hill, and was prepared for college by Mr. J. L. Stewart, now a prominent lawyer and Baptist minister at Clinton, in the eastern part of North Carolina. In June, 1862, he entered the University of South Carolina, at

Chapel Hill, but after nearly two years' study was carried away by the military ardor of the day, and, in spite of his youth, volunteered in the Third North Carolina Cavalry in the early part of 1864. He joined his regiment at Dinwiddie Court-House, Va., and participated in all the hard and incessant fighting on the flank of General Lee's army around Petersburg, including Hatcher's Run and Burgess Mill. His command assisted in covering the retreat of the army from Petersburg to Appomattox, during which it was cut in two at Five Forks, and was at Double Bridges at the time of the surrender. Mr. Carr never lost a day's duty during his period of service, and though preferring to serve as a private, carried in his pocket a detail as an officer on General Baringer's staff.

At the conclusion of the war he re-entered the University of North Carolina for one session, and at its termination in June, 1867, established himself in a general mercantile business at Chapel Hill. Having a great desire to travel, he left, in 1868, on a prospecting tour for the South, and passing through Georgia, Tennessee and Mississippi, arrived at Little Rock, Ark., where he entered into business on a larger scale than heretofore with his uncle and another gentleman, under the firm of Carr & Kingsburg. After eighteen months' residence in Little Rock his father saw an opportunity to purchase a third interest in W. T. Blackwell's tobacco factory at Durham, and being anxious that his son should settle nearer home, insisted on his taking advantage of the opportunity. In September, 1870, accordingly, he joined that firm, and has since had the entire control of its mercantile and financial department. Conducting successfully a business of \$1,500,000 per annum, he is without question one of the first business men in North Carolina, and the financial genius of that well-known and extensive firm; and to his far-sighted and liberal policy may justly be attributed a large portion of its constantly increasing prosperity. His bold and lavish yet discriminating system of advertising has made the Blackwell's Durham smoking tobacco a household word from Maine to the Gulf, and from the Atlantic to the

Pacific Slope. For fence-painting alone the firm paid \$15,000 in 1877, while for newspapers and periodicals their advertising outlay exceeds \$10,000 a year. The Durham Bull is ubiquitous—as the traveller speeds through the cañons of the Rocky Mountains the majestic proportions of the noble beast stare him in the face, and on entering the harbor of Bombay the first prominent object to meet the gaze of the wanderer is the familiar Durham Bull and Blackwell's Durham tobacco. Mr. Carr is thoroughly versed in the history of the tobacco trade, and knows either personally or by reputation, nearly every tobacco house or firm in the Union, and many out of it. He is thoroughly posted in patent and trade-mark law from long experience in the courts in protecting the interests of his firm against counterfeiters. Enterprising and public-spirited, Mr. Carr has encouraged and fostered everything tending to the prosperity of the town in which he has made his home, and the comfort and well-being of its citizens. In 1872 he was elected Mayor of Durham. He is a consistent member of the Methodist Church and Superintendent of one of the most flourishing Sunday-schools in North Carolina. He is a Trustee of the University of North Carolina, and one of the Managers and a member of the Executive Committee of the State Agricultural Fair of North Carolina. He has a fine house in Durham, replete with every modern convenience, and the three acres of flower garden and shrubbery attached are laid out with great taste. Of cultivated and refined tastes, literature and the arts have found in him a liberal and appreciative patron, while in his devotion to horticulture and floriculture he is a perfect enthusiast. Generous and warm-hearted, no worthy object has ever lacked his co-operation, and no one in misfortune has ever appealed to him in vain. He married February 19th, 1873, Nannie Graham Parrish, daughter of Colonel D. C. Parrish, an influential and liberal resident of Orange county, where at one time he conducted a fine school; and, previous to the war, formed one of three gentlemen who constituted the county court of that county.

Durham is situated in the southeastern part of Orange county, N. C., on the North Carolina Railroad, twenty-six miles from Raleigh, the capital of the State, on the east, and sixty miles from Greensboro' on the west. Orange county is on the eastern limit of what is known as the "Golden Belt" or "bright" tobacco region of North Carolina, one of the finest tobacco-growing districts in the world. Durham received its name from Dr. Bartlett Durham, a large land-owner, who gave the North Carolina Railroad five acres of ground on which to erect their buildings. In 1860 there were but a few small dwellings at what was then known as Durham's Station. In 1869 there were less than three hundred inhabitants, whilst now the vigorous and flourishing town of Durham contains a population of over 3,000. During the war the manufacture of smoking tobacco was carried on there in a small way by Mr. J. R. Green, who had in use a method of flavoring surpassing that previously known. It was at Durham's Station that General J. E. Johnston's army surrendered to General Sherman. The negotiations were accompanied by an armistice, which was prolonged for several days, and after the surrender the two armies met and fraternized in the neighborhood. In Green's factory were stored several thousand pounds of smoking tobacco, which the soldiers of both armies aided in sacking and carrying off to their homes in all parts of the country. A demand soon sprung up from the veterans who had learned to enjoy its excellence, and who had named it Durham tobacco. Green finding that his tobacco had already acquired a reputation, adopted as his distinguishing brand the Durham Bull, a representation of which he had painted on his factory, and which he was the first to use. In 1868 W. T. Blackwell and J. R. Day purchased one-half interest in the business, and on Green's death, which followed in 1869, the other two partners purchased his share from his heirs.

In 1870 Mr. Julian S. Carr purchased one-third share in the firm. From Green's death until 1873 the business was conducted under the style of W. T. Blackwell, and since that date as

W. T. Blackwell & Co. To show the wonderful growth of their business it is only necessary to state that from manufacturing a merely nominal amount in 1870, the yearly product has so increased that, in 1875, the firm manufactured and marketed nearly 1,500,000 pounds of tobacco, and, in 1878, over 2,000,000 pounds. The manufacturing capacity of the factory is 12,000 pounds per day. The tobacco is sold to wholesale dealers only, in the principal cities of the United States and Canada, and in many foreign countries. Much of the machinery and improved methods used in the manufacture have been introduced by W. T. Blackwell & Co., and their extensive factory, which is without doubt one of the finest and most complete of its kind in this country, is a model for convenient and expeditious work. The factory, which was erected in 1875, is a substantial and handsome building four stories high, on the front of which is an immense painting of a Durham bull, while to heighten the illusion the steam-whistle of the engine is made to imitate the bellowing of that animal. It has a frontage of 120 feet, by 40 feet in depth, on the south side of the North Carolina Railroad, which it is immediately alongside, with a wing of 40 feet in the rear. The first floor of the main building is occupied by offices, sales-room, and store for receiving raw leaf, which is then taken to the elevator between the main building and the wing and thence conveyed to the drying-room on the fourth floor. Here it is spread out upon lattice-work and movable shelves and subjected to intense heat from steam-pipes in order to remove all moisture, so that it may be easily broken into small particles. From the drying-room the tobacco is taken by a chute to the ground floor of the wing of the factory, where six cutting-machines driven by steam reduce the tobacco to a granulated condition. The operatives by whom these machines are fed are obliged to cover their nostrils with a cloth to prevent injury to their lungs. From the cutting-machines the tobacco goes to the basement below, and is there taken up, automatically, by means of endless belts on which are elevators at frequent intervals, not unlike those used in flouring mills, and carried to the third story, where a sieve-like machine, known as the stem-separator, removes the stems, and the remaining portion descends to the second floor and is bolted, when the fine dust and dirt are thoroughly removed—the perfected bolting machinery used by the firm contributing largely to the rare excellence of the Durham brand. The refuse is used for fertilizing purposes, and the revenue from its sale is considerable. When free from dust and impurities, the tobacco is taken to a sieve and becomes the granulated and finished product. From here it is carried to the upper story of the main building to mellow and ripen with age, and then undergoes the final process of flavoring and packing. Just below on the third floor are the flavoring and packing departments. The principal material used in the flavoring process is the tonka bean, a product of Guiana, which gives forth a peculiar aroma; it was first used in flavoring smoking tobacco by Mr. J. R. Green, the predecessor of the present firm, although its merits are now recognized by the entire tobacco trade. Nevertheless, fully seventy-five per cent. of the tonka bean stock brought to the United States is controlled and consumed by W. T. Blackwell & Co. This will be better understood when it is known that the merit of the tonka bean as a flavor depends on the method of its application. The method of applying it has been so perfected under the direction of Mr. Blackwell that it now constitutes a valuable trade secret. Other aromatic substances are brought into use and combined with the tonka bean in order to secure the “Durham flavor.” The flavoring processes are never varied, and in this way the aroma is always uniform, so that a connoisseur can always detect the fumes of his favorite Durham. It is now packed in the familiar square-cornered white cloth packages. The cloth bags are manufactured in Durham, and this of itself constitutes an important industry, giving employment to a large number of people and many sewing-machines. W. T. Blackwell & Co. have facilities for packing 15,000 pounds of smoking tobacco a day. After

leaving the packing department it goes to the stamping department on the second floor, where fifty to sixty boys and girls are employed in affixing the government revenue stamps and label. The value of the internal revenue stamps used in 1878 amounted to \$500,000. The tobacco is packed for shipment in pine boxes which are manufactured at the firm's own box-factory in the rear of the main building. Their widely-extended business reaches to all the prominent cities in the United States and Canada, with regular shipments to England and the continent, China, Japan, and the East Indies, with agencies at Shanghai and Bombay. The factory is supplied with all the modern improvements, each floor being heated by steam, while beneath the roof of the main building is a water tank with a capacity of 18,000 gallons. Complete arrangements are in force to insure against fire, and the workmen are thoroughly instructed in the use of the apparatus. The whole establishment is complete within itself. A steam saw-mill is engaged in running two saws and three planing-machines for the manufacture of the boxes used by the firm; the infinite variety of labels are printed on the premises at the large printing office, complete in every respect, using three presses, and doing all the printing of the establishment besides a large amount of outside work. Two hundred and fifty hands are employed in the manufacture of tobacco, one hundred in making bags, and a considerable number in other departments. Messrs. Blackwell & Co. manufacture more granulated tobacco than any one firm in the world. They manufacture smoking tobacco only, and that of but one brand, the "Genuine Durham (Bull) Smoking Tobacco." The popularity of the "Bull" brand is constantly increasing. Its handling is characterized in every detail by that peculiar care, knowledge, and skill conferred alone by intelligent experience, and evidenced in the uniformly superior quality of the article, and the unvarying standard of color and flavor which perpetuates its popularity. Owing to its universal popularity, various manufacturers have under one device and another colorably imitated

the brand. W. E. Dibrell & Co., of Richmond, Va., were making and selling an imitation of the famous Durham brand, and in January, 1878, Messrs. W. T. Blackwell & Co. obtained a judgment against them in the Circuit Court of the United States, Eastern District of Virginia, awarding to W. T. Blackwell & Co. "the sole and exclusive right to use and employ the word Durham to designate and distinguish the smoking tobacco manufactured by them, and also to use and employ in conjunction with the said word Durham the side view representation of a Durham Bull as and for their trade-mark." Liberal, prompt, and honorable in all their business relations, the well-earned prosperity of W. T. Blackwell & Co. is due to their untiring enterprise, keen sagacity, and scrupulous adherence to character once attained. Among the evidences of their public spirit is their erection alongside the railroad of the Grand Central Hotel, a handsome and convenient house and a great boon to the travelling public.

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DR. HUNTER H. MCGUIRE.

VIRGINIA.

**H**UNTER HOLMES MCGUIRE was born at Winchester, Va., October 11th, 1835. Son of the late Dr. Hugh H. McGuire, an eminent surgeon and physician, by whom his scientific studies were directed, and to whom the development of his mind and his skill as a surgeon is largely due. He received his medical education at Winchester Medical College, whence he graduated in 1855, and soon afterwards left for Philadelphia, where he entered as student of medicine at the University of Pennsylvania and Jefferson College, Philadelphia, and matriculated at both in 1856; but, being seized with a violent attack of rheumatism, was compelled to return to his home in Winchester, and consequently was unable to graduate. Was Professor of Anatomy at Winchester Medical College 1856-58, and returned to Philadelphia in the fall of 1858, where, assisted by Drs. Lockett and W. H. Pancoast, he held a



Hunter McGuire M. D.



very large quiz class—a private class in operative surgery. When the body of John Brown (of Harper's Ferry) was taken through Philadelphia a great outcry was raised against all Southern people, and popular feeling running very high against them, all the Southern students proposed to return to the South, and Dr. McGuire telegraphed to Richmond to know upon what terms the Medical College of Virginia would receive them. The authorities replied that no fees would be demanded and that all expenses would be paid. Upon this, in December, 1859, Dr. Hunter McGuire started from Philadelphia with over three hundred students, and on their arrival they were received with great demonstrations, during which Governor H. A. Wise made a stirring speech and the city paid the railroad fare of all the students, who completely filled the college. Drs. Lockett and McGuire finished the course with the students at the Medical College of Virginia in March, 1860, when Dr. McGuire returned to Winchester and practised his profession in association with his father until April, 1861. Received diploma from Medical College of Virginia March, 1860. At the outbreak of the war, Dr. McGuire volunteered in Company F, Second Virginia Regiment, and marched with his regiment to Harper's Ferry in April, 1861, but was commissioned May 4th, 1861, Surgeon in the provisional army of the Confederate States, and immediately assigned to duty as Medical Director of the Department at Harper's Ferry, known as the Army of the Shenandoah, and then under the command of General T. J. Jackson (Stonewall). When General Joseph E. Johnston took command he served under him until July 1st, 1861, when General Jackson having organized the First Virginia Brigade (the future Stonewall brigade), he requested that Surgeon McGuire might be assigned to him as Brigade Surgeon. At the first battle of Manassas, July 21st, 1861, when General Jackson made the celebrated charge with his brigade which turned the fortune of the day, he raised his left hand above his head to encourage the troops, and while in this position the middle finger was struck by a ball and broken.

He remained upon the field till the fight was over, and then wanted to take part in the pursuit, but was peremptorily ordered back to the hospital by the General commanding. On his way to the rear the wound pained him so much that he stopped at the first hospital he came to, and the surgeon there proposed to cut the finger off, but, while the doctor looked for his instruments, and for a moment turned his back, the General silently mounted his horse and rode off to Surgeon McGuire, who was then busily engaged with the wounded. He refused to allow himself to be attended to until "his turn came." By judicious treatment the finger was saved, and in the end the deformity was very trifling. Surgeon McGuire remained as Brigade Surgeon from July to October, when General Jackson took command of the Army of the Valley District, of which McGuire became Medical Director.

The Valley campaign commenced January 1st, 1862, and included the battles of McDowell, Winchester, Cross Keys and Port Republic, after which the army joined General Lee during the celebrated seven days' fight against General McClellan. After this came the fight at Cedar Run against Pope, followed by the second battle of Manassas against Generals Pope and McClellan. During the battle General Ewell, who was kneeling on the ground and looking under some pine bushes to get a better view of the field, was hit on the left knee, and passing downwards splintered the tibia into fragments, and finally lodged in the muscles of the leg. The General's health was bad, and he had lost a great deal of sleep, his troops having been constantly fighting and marching for two days and nights, and he was so much exhausted when he was shot that his surgeons thought at one time that he would die from the shock. When he had sufficiently recovered, Surgeon McGuire advised him to submit to amputation, and he consented very reluctantly. The thigh was amputated just above the knee, and about ten days after, to escape capture, he was carried on a litter by soldiers nearly fifty miles; the motion caused the bone to protrude, and after much

suffering and the loss of an inch of bone, he got well enough to go about, when one day he unluckily let his crutches slip, and falling upon an icy pavement reopened the wound again, knocking off a piece of bone. After some months, he returned to the field and performed some very active service. Then followed the campaign in Maryland and battle of Sharpsburg (Antietam), and the battle of Fredericksburg closing that campaign. At all these engagements Surgeon McGuire was present, never missing a battle where the troops were fighting. At the battle of Chancellorsville, May, 1863, General Jackson received his death-wounds, and being placed upon a litter, was passed on as rapidly as the thick woods and rough ground would permit, when, unfortunately, one of the bearers was struck down, and the General was thrown to the ground, but was again placed on the litter, when he was met by Surgeon McGuire, to whom he said: "I am badly injured, Doctor; I fear I am dying." His clothes were saturated with blood, his skin cold and clammy, his face pale, fixed and rigid, and his lips, compressed and bloodless, showed his sufferings were intense. His iron will controlled all evidence of emotion. On reaching the hospital he was placed in bed, and he was told that amputation would probably be required, and asked, if found necessary, whether it should be done at once; he replied, promptly: "Yes, certainly, Dr. McGuire, do for me whatever you think best." Chloroform was administered, and as he began to feel its effects and its relief to the pain he was suffering, he exclaimed: "What an infinite blessing!" and continued to repeat "blessing" until he became insensible. The round ball (such as used for the smooth-bore Springfield musket), which had lodged under the skin on the back of the right hand, was extracted first; it had entered the palm about the middle of the hand, and had fractured two of the bones. The left arm was then amputated about two inches below the shoulder—there were two wounds in this arm, the most serious dividing the main artery and fracturing the bone. Throughout the whole operation, and until all the dressings were ap-

plied, he continued insensible. Two or three slight wounds of the skin of his face, received from the branches of trees when his horse dashed through the woods, were also dressed. As there was some danger of capture by Federal troops, it was decided to remove him, and Dr. McGuire was directed to accompany and remain with him, and his duties as Medical Director were transferred to the Surgeon next in rank, although General Jackson had previously declined to allow the Doctor to accompany him, as complaints had been so frequently made of general officers when wounded carrying off with them the surgeons belonging to their commands. Whilst Dr. McGuire was asleep, he directed his servant, Jim, to apply a wet towel to his stomach, to relieve nausea; the servant asked permission to first consult the Doctor, but the General refused to allow him to be disturbed. About daylight the Doctor was aroused, and found him suffering great pain, and examination disclosed pleuro-pneumonia of the right side, which the Doctor believed was attributable to the fall from the litter the night he was wounded, and thought the disease came on too soon after the application of the wet cloths to admit of the supposition, once believed, that it was induced by them. Dr. McGuire continued, in conjunction with other physicians summoned to assist him, to minister assiduously to his beloved leader until his death.

We may here remark that, although sometimes high positions may have been occupied in the Confederate service by incapable persons, yet this could never be said truly of those serving under the eagle-eye of Stonewall Jackson, who possessed, not only the talent to contrive and capacity to perform great deeds, but also the equally important attribute of true genius, viz.: the judgment to select those competent to assist him in their execution.

It was, therefore, a great honor in itself to have served satisfactorily on the staff of such a commander; but a higher meed of praise than this belongs to the subject of this notice. He possessed his entire confidence, his warm friendship, and received his highest commendation.



The sword presented by Jackson to his surgeon at the battle of Winchester, 1862, could only have been bestowed on one possessed of indomitable energy, transcendent skill and unflinching fidelity. Associated as closely and conspicuously as it was possible for a surgeon to be with the greatest war ever waged in America, following the standard the most brilliant military genius developed in the struggle, and aiding with all the resources of his art that intrepid brigade whose name has become immortal—the fame of its surgeon is inseparably united to that of the heroic band that stood “like a stonewall” in the face of assailing hosts. After the death of General Jackson, Surgeon McGuire served as Chief Surgeon of the Second Corps of the Army of Northern Virginia, under Lieutenant-General Ewell. After defeating Milroy at Winchester, they were engaged at Gettysburg; there General Trimble took the place of Pender, who was wounded and afterwards died, and had been in command of the division only an hour or two, when he was shot in the ankle-joint. He had been wounded before in the same limb at the second Manassas by an explosive ball which burst and badly lacerated the parts. A surgeon was about to amputate the leg when Dr. McGuire arrived, and advised him to attempt to save it. The advice was followed, and a few months after the General reported for duty. As soon as he was wounded at Gettysburg, he again sent for McGuire, who found him in great distress, as much from losing command of the division so soon as from the prospect of losing his leg. Dr. McGuire amputated his leg for gun-shot wound of the ankle-joint, and he eventually recovered, and wore an artificial leg. From Gettysburg they returned to Virginia, when they were opposed to General Grant from Spottsylvania to Cold Harbor; he afterwards acted as Medical Director of the Army of the Valley with Lieutenant-General Early to Lynchburg, and the campaign of the Valley down to Frederick City and Monocasi and almost to Washington, and then at Winchester, Fisher’s Hill and Waynesboro’, where Dr. McGuire was captured, and paroled for

fifteen days and then released. He then rejoined the Second Corps under General Gordon, and remained as Medical Director till the surrender at Appomattox.

In May, 1862, at the battle of Winchester, Va., Surgeon McGuire inaugurated the plan of releasing captured medical officers. Eight Federal surgeons were set free upon the simple condition that they would endeavor to procure the release of the same number of Confederate surgeons. Afterwards General Jackson himself approved of this action. A few weeks after this, all of the medical officers who had been confined by both parties as prisoners of war were released and returned to their respective commands. Although this plan of exchanging medical officers as non-combatants was interrupted by some disagreement between the Commissioners for the Exchange of Prisoners, yet Dr. McGuire continued to release surgeons whenever it was in his power. As late as February, 1865, he liberated the Medical Inspector of General Sheridan’s army. When Surgeon McGuire was himself captured at Waynesboro’, in March, 1865, General Sheridan showed his appreciation of Surgeon McGuire’s action by immediately ordering his liberation.

Surgeon McGuire was the first to organize Reserve Corps Hospitals in the Confederacy (in the spring of 1862, in the Valley campaign). About the same time he succeeded in perfecting the “Ambulance Corps.” Four men were detailed from each company to assist its wounded from the field to the hospitals in the rear. These men wore conspicuous badges, and were selected for their courage, etc., no one else during a battle being permitted to leave the ranks for this purpose.

It is almost needless to add that Surgeon McGuire always received the hearty co-operation of General Jackson in his efforts to perfect the medical department in the field. In all reports of battles by the generals commanding the forces with which he served, he was highly complimented for his zeal and ability. It was his good fortune to enjoy the personal friendship, not only of General Jackson, but of Generals Lee, Early

and Ewell, all of whom he attended when sick or wounded.

The war being ended, Dr. McGuire, November, 1865, removed to Richmond, having been appointed to fill the chair of surgery in the Medical College of Virginia, made vacant by the death of Dr. Charles Bell Gibson. In his new home he rapidly acquired an extensive practice, both medical and surgical. His remarkable successes in lithotomy, lithotripsy, ovariectomy, etc., have placed him in the first rank of civil surgeons. As a teacher, he is fluent, lucid and impressive, and as a writer has contributed many instructive and interesting articles to Northern and Southern journals.

The skill and talents of Dr. McGuire have been recognized in a flattering manner in all sections of the country. Among the positions bestowed upon him may be mentioned that of President of the Richmond Academy of Medicine, President of the Association of Medical Officers of the Confederate Army and Navy, and one of the Vice-Presidents of the International Medical Congress. These honors are the rewards of talent, industry, skill and high aspiration. He is the only surgeon in this country who has tied the aorta; has operated fifty-seven times for stone in the bladder since his return to Richmond. Has contributed numerous articles to various journals on gun-shot wounds, diseases of the bladder, ovariectomy, etc., besides a detailed account of the "last wound of General (Stonewall) Jackson, his last moments and death." He married Mary Stuart, daughter of Hon. A. H. Stuart, Secretary of the Interior under President Fillmore. He is consulted from all parts of the Union, and his name is a household word in the South.

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B. F. MOORE, Esq.

NORTH CAROLINA.

**B**ARTHOLOMEW FIGURES MOORE was born 29th January, 1801, in Halifax county, N. C. The Moores are a numerous old family, settled over a large portion of the border of Virginia and

North Carolina. His father, James Moore, of Southampton county, Virginia, was an enterprising and industrious farmer, who, in 1781, at the age of 16, being then an orphan, volunteered at Beaufort, N. C., as a sailor and served as captain's clerk on board the privateer schooner "Hannah." After participating in the capture of several vessels, he landed at Newburyport, Mass., from which place, being unable to obtain his prize money, he walked the whole way on foot to his home in Southampton county, Va., occupying a month in the journey. He afterwards devoted himself mainly to agriculture, giving especial attention to the most improved methods of cultivation; gave his numerous children a good English education, and left a handsome estate when he died, at the age of eighty-six. The mother of B. F. Moore, Sallie Lewis, was a daughter of Colonel Exum Lewis, of Edgecombe county, a distinguished Whig of the Revolution. He received his preliminary education at an old field school in Halifax county, and was prepared for college by John B. Bobbitt, a graduate of Chapel Hill, who kept a famous classical school for half a century in the counties of Nash and Franklin. He entered the University of North Carolina, Chapel Hill, in 1818, joining the Sophomore class when half advanced, and graduated in 1820, having studied only two years and a half; Judge W. H. Battle and Bishop J. H. Otey, of Tennessee, were among his classmates, and President Polk was a graduate of the class of 1818, Mr. Moore's first year at the university. He commenced the study of the law under Thomas Nicholson Mann, one of the hardest students and most intellectual men of his day, who was afterwards appointed Consul to Guatemala, but died of consumption in Hampton Roads, on his way to his post. After eighteen months' close study of the law, he took an extended journey with his legal preceptor, to whom he was greatly attached, and who was travelling for his health through North and South Carolina, Georgia, Alabama and Tennessee. In the last-mentioned State he remained a short time to visit his kinsmen, and then continued his travels through



*B. F. Moore*



Kentucky to the mountains in Virginia, and back to his home in North Carolina. In 1822 he obtained his county-court license, and in the following year commenced the practice of his profession at Nashville, Nash county, N. C. The first important case that brought him into notice was that of *The State vs. Will*, in 1832, in which a negro was indicted for the murder of an overseer, and it was insisted for the prisoner that if a slave in defence of his life, and under circumstances strongly calculated to excite his passions of terror and resentment, kills his overseer, the homicide is by such circumstances mitigated to manslaughter. Mr. Moore was engaged for the defence, and argued with great ability and zeal. His argument was printed at length in 1 Devereux and Battle's Reports, and considered so profound and able that it was characterized by Chief-Justice Ruffin and Judge Pearson (the late chief-justice) as the finest argument ever heard upon that question. It was subsequently received as the foundation of the law in cases of the homicide of overseers by negro slaves. He remained in Nashville until April, 1835, when he removed to Halifax county. In 1836 he was elected to the House of Representatives, and again in 1840, 1842 and 1844. In May, 1848, he removed to Raleigh, and was appointed, by Governor W. A. Graham, Attorney-General of the State of North Carolina. In December of that year he was elected to that office by the Legislature, holding it until May, 1851, when he resigned in consequence of his appointment to the Commission for the Revision of the Laws of North Carolina. This Commission was continued at the session of 1852, and the code was reported to the General Assembly of 1854, when it was read and passed, with but few modifications, into law. He was a member of the committee appointed for its publication, which took place in Boston, in 1855. During this period he was engaged in an extensive practice, principally in the Supreme Court, in which at that time but few lawyers, and they of the highest reputation, practised. He was an old-line Whig in politics, and took an active part in opposition to secession, upon the ground that it was unnecessary as well as impolitic, as Congress and the Supreme Court of the United States were opposed to the fanaticism of the Northern Abolitionists. He expressed his opinions freely in the press and in public, gaining much unpopularity in consequence. In 1862, though with considerable reluctance, he served on the committee appointed by the State to consider the claims against North Carolina for services in raising troops for the Confederate Government, and used his best endeavors to defend the State from any exorbitant demands, accepting the commission for that purpose only. Both Samuel F. Phillips and P. H. Winston, the other members of this committee, were also warm and consistent supporters of the Union. Mr. Moore, during the war, had one of the largest practices in Raleigh, more especially in *habeas corpus* cases. He was also most assiduous, in conjunction with his wife, in attending to the wants of the sick and wounded of both armies at a hospital which was temporarily established in Raleigh, near his residence. In the June term of 1864 he was engaged in the celebrated case of *Gatlin vs. Walton*, in which the question was whether a person, who had put in a substitute, under an act of the Confederate Congress, had made a contract with the government that relieved him from future conscription. Mr. Moore argued that the substitution was a contract, but the court, with a dissenting opinion, decided in favor of the Confederate government. At the close of the war, together with Governor Swain and Mr. William Eaton, of Warren county, he was appointed on a committee, from Raleigh, to visit Washington, for the purpose of interceding with President Johnson for the most lenient terms which could be granted for the restoration of North Carolina to the Union. He held a long personal conference with President Johnson on all the questions involved, and had the satisfaction, in many cases, of obtaining better and more lenient terms of pardon than had at first seemed possible. He was on several occasions afterwards summoned to Washington to give evidence. He was a leading member of the Convention

appointed by President Johnson for the reconstruction of the State, but was opposed, as was President Lincoln, to general negro suffrage solely because he considered that at that time negroes were incompetent to fulfil the duties of the suffrage, although he was in favor of admitting their testimony in the courts of the State. A constitution was framed by the Convention of 1866, which conformed in its material provisions to that already in existence, but it was unhappily rejected upon the sole ground that so many of the electors were excluded from the ballot for want of pardons. The State Constitution of 1868 provided for the election of judges for a term of years instead of for life, as had been the practice from the foundation of the government. Under the judicial system existing prior to the great innovation made by the new constitution of 1868, none of the judges had ever taken an active part in the politics of the day, but soon after the inauguration of the new system the judges, and especially those of the Supreme Court, who must have known and felt that their election was due to party organization, embarked openly in the heated and bitter campaign for the election of President in 1868, when Grant and Colfax were the Republican nominees. Whilst this spectacle, so undignified and unprecedented in the history of the State, was progressing, Mr. Moore drew up a protest against such an example and submitted it to above one hundred members of the bar for signature; but few of those to whom it was presented declined to sign it. Among the signers were two ex-Governors, five ex-Judges, six ex-Attorney-Generals, several ex-Solicitors, and distinguished members of Congress. It was conceived and prepared in September, 1868, during the stormy political canvass for the Presidency, and its publication designedly deferred until after the close of the campaign to avoid its having the appearance of a partisan document. His purpose was to express the disapproval by the bar of the conduct of individuals occupying high judicial stations. It was published in June, 1869. The publication of a protest conceived in a spirit of dignified warning, and expressed in language

perfectly respectful but forcible and pointed, produced in the minds of the judges so much agitation that proceedings for contempt of court were taken by the Supreme Court against Mr. Moore and its other signers. So great was the disorder of the court that, without giving to the gentlemen who signed the protest any previous notice of its intention, an order was hastily made disabling them from practising at its bar. A little reflection, however, made it apparent to the judge that a course of procedure so summary, taken against so many and so important members of the profession, could find no authority in judicial precedent or statute regulation, and would, with absolute certainty, bring upon themselves a very great measure of public disapprobation, wherefore the proceedings were so modified as to put three on actual trial, to wit, B. F. Moore, E. G. Haywood, and Thomas Bragg; the sentence of disability still remained as to all. Some without notice filed their answers, but many stood disbarred without even being notified of the rule by service, and the court proceeded to disable by name all attorneys reported by the clerk absolutely from practising in the court whether they might on trial prove guilty or not. Ex-Judge W. H. Battle, ex-Judge D. G. Fowle, ex-Judge Barnes, ex-Judge Person, and the Hon. W. N. H. Smith (now Chief-Justice) volunteered their appearance for Mr. Moore and the other two signers of the protest on trial, and on June 19th, the court discharged the rule with costs, Chief-Justice Pearson remarking that they were "not acquitted, but excused," and concluding his opinion with these words: "We concur with his counsel in according to Mr. Moore high encomium for his ability, legal learning, integrity, devotion to the constitution, unwavering love of the Union, and hitherto most consistent and influential support of the judicial tribunals of this country." The charge made in the protest was substantially that each and all the Judges of the Supreme Court had warmly participated in the excited politics of the day, and it was fully borne out by the fact, and is admitted in a recently published letter of the late Chief-Justice, that a letter had

been written by Chief-Justice Pearson for the press, published with his knowledge, and kept for months as a standing article in a leading partisan paper, and thousands of copies of it were circulated throughout the State as a campaign document, the avowed object being to affect the election in a heated contest for the office of President; and also that Judges Dick, Rodman, Reade, and Settle were announced in the *Standard* of August 19th, 1868, as being appointed by the Republican State Executive Committee to high and conspicuous positions in an imposing partisan political display of the Republican party on September 16th, 1868, to parade under music and banners, and this announcement was circulated throughout the State with extraordinary parade. The Hon. W. N. H. Smith, in concluding the argument, spoke of Mr. Moore in these terms: "My friend and client, with the weight of years resting on him, pre-eminent for his great judicial learning and professional experience, illustrating the judicial history of the State upon so many pages of its reports, possessing not less the confidence of the preceding and present Supreme Courts of the State, than he does the warm regard and affection of the numerous profession whose rights and immunities in a measure he represents on this trial, whose whole life in seasons of darkness and disaster, as well as in times of sunshine and prosperity, has been marked by a steady, unwavering adherence to principle and the support of law and order, and the preservation of those forms without which neither can exist, would be the last to assail the dignity and prerogatives of a tribunal in whose impartiality and firmness our only safety lies." It cannot be doubted that Mr. Moore was influenced by the purest motives and by a sincere desire to preserve the dignity of the bench and bar. He afterwards published a review of all the proceedings, which is bound up with the 63d or 64th volume of the North Carolina Reports, in the closing sentences of which he expresses this sentiment: "Whether the protest was intended to overthrow and degrade or to sustain and elevate the judiciary of the State the signers, conscious that their own

honor would be tarnished by any degradation of that judiciary suffered at their hands, most cheerfully leave to the judgment of the present and all future time. Far be it from their purpose to justify or excuse a libel on the *courts* of North Carolina. A bar, the leaders of whom have practised before its courts for a quarter of a century, could never intend to degrade the judiciary of the State which, up to the moment of signing the protest, had proved itself to be the great palladium of the liberties of freemen. They cannot commit so great a crime. Their solemn declaration before God and their country made to the court should have been sufficient for any man that they never intended that horrible wickedness. Nothing but the fears, ill founded they devoutly hope, of a calamity so fathomless in its woes to their native land as a demoralized judiciary urged them to sign and publish the protest; and if there linger in the minds of their fellow-citizens a single grain of doubt that such and such only was their sole object, they are entreated to receive again this most solemn denial. Let no man ever expect to find in their act an excuse for disrespect for the courts of the State, but let every citizen feel that it is his solemn duty at all times and on every occasion to preserve, as far as may be in his power, the purity of the court from every contagious influence which may surround or beset its members; and though he may both fail and fall in the attempt, yet if he be worthy of the North Carolina bar as it was, and as it is hoped and believed it still is, he will bear within his own bosom a consolation which no man can take away. The virtuous living and the spirits of the patriotic dead who have gone down to the tomb will cheer him with impressive approval." The protest and the proceedings taken thereon by the court naturally engendered warm and unpleasant feelings between that body and Mr. Moore; but in due course of time they subsided, and Mr. Moore and the Chief-Justice were restored to their former relations of friendship which had been cordial for more than a quarter of a century.

Mr. Moore continued to practise the law with

great success. In 1870 he entered into partnership with his son-in-law, Mr. John Gatling, and was at the head of the bar in his native State until his retirement from the active duties of his profession at the commencement of 1877. He has throughout his long and busy life been distinguished for his ability, learning, integrity, devotion to the constitution, and unwavering love for the Union. In the late civil war he never swerved from his allegiance to the Federal government, and his manly courage has ever sustained his convictions of right and duty against threatened danger. He has always been conservative in his politics, and, while he has ever held steadily to the Union, he has always been an advocate and defender of the rights of the States, and deemed it very unwise to deprive them of self-government unless done under the strict powers of the Federal constitution. He maintains that North Carolina was never out of the Union, and as a State was entitled to the benefits and protection of the Union, and this view was adopted in the first ordinance of the convention of 1866. He deemed a speedy reconciliation necessary to restore national fraternity, and was averse to the policy of maintaining the powers of the government by the use of standing armies; that they were dangerous to liberty, and ought not to be kept up, and that the military should be kept under strict subordination to, and be governed by, the civil power. Writing previous to the inauguration of President Hayes' pacification policy, he says:

"Prior to the calamity of the late civil war I had been for more than thirty years much devoted to investigating the nature and principles of our Federal and State governments, and during that period, having been several times profoundly exercised as to the true and lawful powers of each, not as a politician, but as a citizen truly devoted to my country, I was unable under my conviction of the solemn duties of patriotism to give any excuse for, or countenance to, the civil war of 1861 without sacrificing all self-respect. My judgment was the instructor of my conscience, and no man suffered greater than I as the scenes of battle

unfolded the bloody carnage of war around and in the midst of our homes. I had been taught under the deep conviction of my judgment that there could be no reliable liberty for my State without the Union of the States, and being devoted to her, I felt that I should desert her whenever I should aid to destroy the Union. I could not imagine a more terrible spectacle than that of beholding the sun shining on the broken and dishonored fragments of States severed, discordant and belligerent, and on a land rent with civil feuds and drenched in fraternal blood. With this horrible picture of anarchy and blood looming before my eyes I could not, as a patriot, consent to welcome its approach to 'my own and my native land.' And truly happy was I when I saw the sun of peace rising with the glorious promise to shine once more on States equal, free, honored and united. And although the promise has been long delayed by an unwise policy, and I myself may never see the full-orbed sun of liberty shine on every part of my country as once it did, yet I have strong hopes that my countrymen will yet be blessed with that glorious light."

He married, December 2d, 1828, Miss Louisa Boddie, daughter of George Boddie, a farmer of prominence in Nash county, N. C.; she died without issue in November, 1829. In April, 1835, he married Lucy Williams Boddie, another daughter of the same gentleman, and has nine children living—five sons and four daughters. One of his daughters married Dr. Joseph Parker, of Gates county, N. C., another married J. P. Leigh, a farmer, of Halifax county, N. C., a third married Dr. P. T. Henry, of Granville county, and the fourth married John Gatling, lawyer, of Raleigh, N. C. Of his sons, B. F. Moore is a farmer near Meridian, Mississippi, George B. Moore was formerly an officer in the Confederate army, Ben. M. Moore is a farmer in Franklin county, N. C., Van R. Moore has recently graduated from the University of North Carolina, and James Moore is a student at that university.

Since the above sketch was written its subject has passed away, breathing his last at his resi-



dence on Wednesday afternoon, November 27th, 1878.

On the following day a meeting of the bar of Raleigh was held in the Supreme Court room, and it was most numerous and influentially attended. Among those present were Chief-Justice Smith, Governor Vance, Attorney-General Kenan, Senator Merrimon, Judge Brooks, Judge Fowle, Judge Cox, Judge Howard, Colonel T. C. Fuller, R. H. Battle, H. A. Gilliam, J. B. Batchelor, S. A. Ashe, A. M. Lewis, District-Attorney J. W. Albertson, Jos. A. Engelhard, W. L. Saunders, C. M. Busbee, Robert T. Gray, F. H. Busbee, E. R. Stamps, R. C. Badger, L. R. Waddell, Jacob Battle, W. H. Bagley, George Wortham, J. C. L. Harris, R. G. Lewis, L. S. Overman, Sherwood Haywood, J. Eaton Bledsoe, Armistead Jones, B. F. Montague and W. H. Kitchen. It was resolved that the bar should attend the funeral in a body, and a distinguished committee was appointed to draft resolutions of respect in memory of the deceased, to report to a subsequent meeting of the bar. The funeral took place that afternoon, the services being conducted in Christ Church, and was most numerous attended, many of North Carolina's most honored citizens assembling to pay their last tribute of respect to the Father of the North Carolina Bar. The pallbearers were: Governor Vance, Chief-Justice Smith, Senator Merrimon, Judge Brooks, Judge Fowle, Auditor Love, Judge Strong, Major Gilliam, Hon. J. B. Batchelor, Edward Graham Haywood, Esq., Dr. Eugene Grissom and R. H. Battle, Esq. The body was interred in the cemetery, in a beautiful square, and beneath the shadow of an oak—his favorite tree.

At the adjourned meeting of the bar most eloquent tribute to the memory of the deceased as a lawyer and a man was paid by Messrs. William R. Cox, W. H. Battle, J. B. Batchelor and Edward Graham Haywood. The speech of Mr. Haywood was an elaborate oration of great dignity, power and beauty. The resolutions adopted set forth that, in the death of Hon. B. F. Moore, the bar had lost a great and distinguished leader, and society an able and valuable mem-

ber, and the State a pure and representative man. Copies of these resolutions were presented to the Supreme Court by the Attorney-General, and to the Superior Court of Wake county, and the resolutions were subsequently recorded upon the minutes of each court.

This sketch cannot be better closed than in the words of one of the many journalistic tributes published on the announcement of his death:

“His sturdy character has left its impress upon his times, and in the years to come he will be remembered and respected as a wise, honest, learned, patriotic man, and loved by his friends, his family, and the recipients of his quiet charity.”

R. B. HAXALL, Esq.

VIRGINIA.

**R**ICHARD BARTON HAXALL was born in Petersburg, Va., in 1805. His father, Philip Haxall, came from Exning, near Newmarket, England, about 1800, and first settled in Petersburg, where he married Miss Clara Hunter, who was born in Kingston, Dinwiddie county, and was lineally descended from Pocahontas. In Petersburg Philip Haxall invested in water power, but discovering the superior advantages of Richmond, removed there with his family in 1809, when he purchased the Columbian Mills, situated on the James river, afterwards known as the Haxall Mills. At that time they were probably smaller than when destroyed by fire in October, 1830, when they contained eight pairs of burrs six feet in diameter or over. In 1831 the mills were rebuilt, enlarged and improved, with ten pairs of burrs five and a half feet in diameter.

R. B. Haxall entered the business in 1824, and under the instructions of his father gained a thorough insight into the milling business, and took an active part in the rebuilding of the premises in 1831, in the latter part of which year his father died. The new mills were planned by William Richardson, of Baltimore, a superior millwright, who also built the first Gallego Mill.

R. B. Haxall succeeded his father, and in 1832 put the new mills in operation upon the wheat crop of that year. With the aid of good practical millers, and by careful selections of wheat, the Haxall brand steadily increased in reputation, and the firm of R. B. Haxall & Co., which represented the widow and all the descendants of Philip Haxall, became very prosperous.

The mills, under his management, were steadily enlarged in buildings and machinery to nearly thirty pairs of burrs until July, 1858, when he formed a copartnership with Lewis D. Crenshaw, who took the active management, which he held till his death in December, 1875. In April, 1874, the mills were again destroyed by fire, but were rebuilt in an unprecedentedly short time under the direction of Lewis D. Crenshaw with a completeness of equipment which, though still to receive additions, makes them already among the best of the kind in this country. Since Mr. Crenshaw's death, one building has been erected entirely for storage, and the whole establishment is now of fully the same capacity as at the time of its destruction in 1874.

On July 1st, 1876, by the terms of the copartnership, the property became incorporated into a joint-stock company—the "Haxall-Crenshaw Company"—of which Richard Barton Haxall is the President, his son, Philip Haxall, Vice-President, and Lewis D. Crenshaw, Jr., the Secretary and Treasurer.

Mr. Haxall is one of the oldest and most successful merchant-millers in the world. Mill proprietors to distinguish them from practical millers are termed merchant-millers, and with one exception no mill proprietor in Richmond in the present century, commencing with Mr. Gallego, has been a practical miller; *i. e.*, a millstone-dresser. That one exception failed for want of commercial knowledge. Mr. Haxall, from personal knowledge of over fifty years, generously bears testimony to the worth and efficiency of the practical millers who have contributed so much to the reputation of Richmond flour.

His attention has not been confined wholly to the milling business. At one time he was asso-

ciated with the Belle Isle Iron Company, engaged in iron-rolling and the production of nails. Cut nails were then made from Swedish and Russian iron, but this material has since been superseded by cheaper and probably inferior iron. He has also devoted much time to the promotion of railroad, bank and insurance enterprises. For forty years he served as a railroad director, and for twenty-five years as a bank director. Now, however, he has retired from all active participation in outside enterprises, and gives himself entirely to the milling business and the management of his estates, supervising the operations of the mills to a great extent from his home, reading and digesting all the mercantile news, and giving the other members of the firm the benefit of his advice and counsel.

Mr. Haxall resides at his country-seat, Rockland, near Montpelier, the country-seat of President Madison, which also belonged to Mr. Haxall, but was sold in consequence of his preference for Rockland for its superior fertility. He is largely interested in agriculture, having in addition to about a thousand acres in Virginia, several farms in Delaware and other States. He is an active member of the Executive Committee of the State Agricultural Society of Virginia. At Rockland he gives more particular attention to the raising of live-stock, especially horses, for which he has always shown great fondness. He is a great rider and very active, showing the way "across country" to any one, although over seventy-four years of age.

An earnest member of the Episcopal Church, Mr. Haxall is a regular attendant at the Monumental Church, Richmond. In politics he is an old-line Whig, but has always studiously avoided any active participation in party warfare, and has never sought or held office of any kind.

He married Miss Octavia Robinson, daughter of John Robinson, Esq., a descendant of an old English family, who was Clerk of the Circuit Court of the city of Richmond, and sister of Conway Robinson, one of the leading members of the bar of Washington, D. C., and Moncure Robinson, a distinguished engineer and railroad

capitalist. He has eight children living: one daughter is the wife of Alexander Cameron, an extensive tobacco manufacturer of Richmond.

Mr. Haxall takes rank as a singularly able and successful man of business; under his management the mill property has not only largely increased in value, but has for many years been one of the chief factors of industrial life in Richmond.

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PHILIP HAXALL, Esq.

VIRGINIA.

**P**HILIP HAXALL, the son of Richard Barton Haxall, whose sketch precedes this, was born January 1st, 1840, in Richmond, Va. He was educated at a private academy, and went from thence to the University of Virginia, which he left in 1860.

After a year spent in travelling he, on the outbreak of the war, enlisted as a private in the Fourth Virginia Cavalry, and was soon promoted to the staff, where he served as Lieutenant, and afterwards as Captain, in the Adjutant-General's Department. Previous to the close of the war he was on the staff as Adjutant-General of General Fitz Lee's division of cavalry, and was slightly wounded twice.

After the surrender he entered the firm of Haxall, Crenshaw & Co., and on its reorganization in July, 1876, became Vice-President of the Haxall-Crenshaw Company. The management of the concern now practically devolves upon him. Until within a year or two their transactions have been almost wholly for export; Brazil, the West Indies and Great Britain being the principal markets. In the first-named country they have for agents the extensive English house of Phipps Bros. & Co., of Rio Janeiro, the head of which is the younger son of a noble English family. Special brands are manufactured to meet the peculiar requirements of each of these markets, and in the season of 1877 they began, in addition, to give particular attention to the domestic trade, which had been theretofore somewhat neglected. The yearly average of

manufacture is about 200,000 barrels, but the mills can produce 1,500 barrels a day, although 1,000 barrels is about the daily quota. The flour barrels are manufactured largely by themselves as well as outside, under their own supervision. They have millwright, blacksmith and repair shops on the premises; build their own wagons, and own most of the residences of the hands employed at the mills. There are, at present, forty-two pairs of burrs on wheat, and six pairs on corn, the largest number in any one mill in this country, and the mill itself is the largest in the United States.

Mr. Philip Haxall is Vice-President for Virginia of the Millers' National Association, and a member of the Executive Committee. He is also a Director of the Richmond, Fredericksburg and Potomac Railroad.

Endowed with all the energy of vigorous youth, he manifests the caution of maturer years, and is, by common consent, acknowledged to be one of the keenest judges and most skilled buyers of grain in the trade. He has always been distinguished by the solidity of his understanding, and his correct judgment of men and of business ventures. Combining caution with boldness in his operations, prompt, industrious, energetic and far-seeing, he has already secured a high reputation in the mercantile community.

He is an accomplished horseman; the promoter and President of the Richmond Riding Club, and to his exertions is due the success of the Westmoreland Riding Club, which includes among its members the élite of Richmond.

He married Miss Mary Triplett, one of Richmond's most beautiful and accomplished belles, and daughter of William S. Triplett, President of the Old Dominion Nail Works, Belle Isle.

Of the Haxall mills, as at present existing, the principal buildings are the flour-mill proper, the wheat-house, general store-house, corn-mill, blacksmith and wheelwright shops, millwright-shop, cooper-shops, residences of the millers, and the stables. The mill and its appurtenances are all driven by water-power. The motive-power is furnished by six overshot wheels, each eighteen feet in diameter, which, together, sup-

ply three hundred horse-power, and three turbines; one drives all the wheat-cleaning machinery, another drives the corn-mill, and the third drives the machinery in the millwright and repair shop. The wheat-house, which adjoins the mill, is eight stories high, with a storage capacity of 70,000 bushels, 10,000 bushels being frequently received in the course of one day. Here the wheat is received, weighed, graded, and stored in various garner, according to variety and grade. In this building also the wheat is cleaned, and afterwards each variety is conveyed to the different garner of the mill as it may be needed. Among the wheat-cleaning apparatus are the following machines: two separators on seventh floor, two smutters and separators on the sixth floor, two decorticators on the fifth floor, two smutters on the fourth floor, and two Becker brushes on the third floor. These machines are placed in the order named, one above the other, and the wheat passes through them from the top story down, so as to clean two streams of wheat at the same time. Large air-chambers are attached to the cleaning apparatus, and into them is blown the refuse, which is all sold. In this same building are four large grain-scales, holding one hundred and fifty bushels each, and a corresponding number of elevators. There are two storehouses, one seventy by one hundred feet, and six stories high, in which are located the various offices, and the other eighty by fifty-two, and seven stories high, exclusive of the basement. The flour-mill proper is eighty-five by sixty feet, and eight stories high. It contains forty-two run of burrs—a greater number than is contained by any other mill in America. It can turn out conveniently 1,200 barrels a day, though the capacity can easily be worked up to 1,500 barrels, and the annual production is over 200,000 barrels, which requires about 1,000,000 bushels of wheat. Besides the burrs there are in the mill building eight bran-dusters, twelve purifiers, twelve dusters, and one hundred and twenty-two bolting reels. In addition to this there is a large amount of improved machinery and appliances suitable to a first-class mill. Nothing is stored in this building, the grain

flowing in as it is needed, and the flour rolling out as it is packed into either of the two storehouses, which have a combined capacity of 22,000 barrels. The corn-mill has six run of esopus stones, with a capacity of about 1,000 bushels of corn per day. Only carefully selected white Southern corn is employed, for which there is a large demand both in Virginia and North Carolina.

HON. THOMAS J. JARVIS.

NORTH CAROLINA.

THOMAS J. JARVIS was born in Currituck county, January 18th, 1836. His father, Rev. B. H. Jarvis, was a devout and useful member of the Methodist Episcopal Church, whose reputation for holiness and pureness of living will long survive him. Owing to his father's straitened pecuniary circumstances young Jarvis had but slender opportunities for acquiring a liberal education, the work of the farm demanding almost his entire attention. After a short time, however, he was enabled to enter Randolph-Macon College, in Virginia, January 18th, 1855, where at first he was under great disadvantages from the limited time that he was able to afford for his preparation for college. An indomitable will and untiring industry enabled him, however, to overcome all difficulties; when a fresh obstacle arose from the inability of his father to maintain him during his collegiate course. He would unquestionably have been compelled to return home but for the thoughtful kindness of Mr. John Sanderson, who supplied him with means to complete his education. Not even during vacation did he relax his efforts, but applied himself to teaching in a common school for one quarter during each summer, and, in spite of all these disadvantages, was enabled to graduate with his class in 1860. He then commenced teaching school in Pasquotank county, and continued there until June, 1861, when he entered the Confederate army, serving first in the Seventeenth Regiment North Carolina troops, and afterwards in the Eighth Regiment. Captain





Ernest R. Hayward A.M. M.D.

Jarvis shared with his command all its hardships and dangers until May 17th, 1864, when he was badly wounded in a desperate fight near Drury's Bluff, Va. ; the ball entered his right arm about two inches below the shoulder-joint, and passed thence diagonally through the body, coming out near the spine. The difficult operation of resection was performed, but life hung trembling in the balance for many months. His vigorous constitution, however, finally proved victorious, but his military career was at an end, for his arm was still shattered and helpless in the sling when the war came to an end. After the war he became a merchant in Columbia, Tyrrell county, where he had three years successful business. In 1865 he was elected, by his native county, as representative to Andrew Johnson's Convention, receiving every vote but fourteen cast. In 1868 he was elected to the Legislature from Tyrrell county, and in the meanwhile had studied law and received his licence to practise law from the Supreme Court, June term, 1866. In 1870 he was re-elected to the Legislature from Tyrrell county, and was made Speaker of the House of Representatives. His success in the chair was fully equal to that he had attained on the floor, and there is no better presiding officer in North Carolina to this day. In 1872 he was a candidate for elector for the State at large on the Greeley ticket, as he had been for his district on the Seymour and Blair ticket in 1868. In 1872 he removed to Pitt county, where he has since continued to reside. In 1875 he was nominated by acclamation by the Democratic convention of Pitt county for a seat in the Constitutional Convention of that year, and rendered conspicuous and efficient service. In 1876, having received the nomination of the Democratic party as its candidatè for Lieutenant-Governor, he made a thorough canvass of the State, winning hosts of friends everywhere for himself and the cause he advocated, and took the oath of office as Lieutenant-Governor, January 1st, 1877. Possessing a singularly well-balanced judgment, that can be confidently relied on under the most difficult and trying circumstances, indomitable courage, the strictest personal integrity, and a

rare faculty of controlling men by thorough organization and discipline, Lieutenant-Governor Jarvis may confidently look forward to yet higher honors.

EDMUND BURKE HAYWOOD, A. M., M. D.

NORTH CAROLINA.

EDMUND BURKE HAYWOOD was born at Raleigh, N. C., January 13th, 1825. The Haywoods are of English extraction, residing originally in Worcestershire, England, which they left for America about the latter part of the seventeenth century, settling first in New York, but finding the climate too cold they moved further south and finally located themselves in Edgecombe county, N. C. The father of the subject of this sketch was Hon. John Haywood, a planter of Raleigh and its first Mayor, and Treasurer of the State of North Carolina from 1787 to 1827, after whom Haywood county and town in the State was named ; he was the first vestryman elected for Christ Church, Raleigh. His father's first cousin, John Haywood, an eminent writer and jurist, was distinguished for his sound legal learning and clear perception ; he was elected, in 1791, Attorney-General of the State, and in 1794, Judge of the Superior Court of North Carolina, which position he resigned in 1804, and afterwards became Judge of the Supreme Court of Tennessee ; he was the author of a "Manual of the Laws of North Carolina," "Haywood's Justice," "History of Tennessee," and many works on scientific subjects, and was also the compiler of the Supreme Court Reports of Tennessee. Chief-Justice Henderson, of North Carolina, in one of his judicial opinions, remarked of this distinguished man, substantially : "That he disparaged neither the living nor the dead when he said that an abler man than John Haywood never appeared at the bar or sat on the bench of North Carolina." His "History of Tennessee" is accurate and valuable. His grandfather, William Haywood, of Edgecombe county, filled various offices, both civil and military, and was a true patriot and useful citizen. He ap-

peared in court in 1765 and presented a commission from the King appointing him Colonel of the County of Edgecombe. The Stamp Act agitation coming on soon after, Colonel Haywood promptly espoused the cause of the colonies, and was appointed Chairman of the Committee of Safety in Edgecombe by the convention at Hillsboro in 1775. He was member for Edgecombe county of the State Congress held at Halifax, April 4th, 1776, and of the State Congress which met at the same place November 12th, 1776, and formed the Constitution of the State, and one of the Committee which framed that instrument; he was elected one of the Counsellors of the State, the first ever elected in North Carolina, December, 1776. His mother, Eliza Eagles Williams, was a daughter of John Pugh Williams, who, at the provincial Congress held April, 1776, at Halifax, N. C., of which William Haywood was a member, was made Captain of the North Carolina troops in the Edenton District, and afterwards attained to the rank of Colonel; he was one of those who, in the times that tried men's souls, stood up for their country and their rights and liberties. The Hon. Benjamin Williams, brother of John Pugh Williams, was elected Governor of North Carolina in 1799, and to the State Senate in 1807, at which session he was again elected Governor, and in 1809 became a second time a member of the State Senate. One of Dr. E. B. Haywood's brothers, Dr. Fabius J. Haywood, is a distinguished physician of Raleigh, N. C., but has now retired from the practice of his profession; another, George W. Haywood, was an eminent lawyer of Raleigh, N. C., but in consequence of increasing deafness was compelled to abandon the practice of his profession, and is now a planter in Alabama. His sister, Miss Eliza Eagles Haywood, was a lady of remarkable intellectual and conversational powers, and the most distinguished lady in Raleigh in her day; her society was much sought after by the best intellects of that time, and she was distinguished alike for her great intellectual capacity and her moral and social virtues. The Hon. William Henry Haywood, United States Senator for North Carolina from 1843 to 1846, was his first-cousin. Dr. Haywood's primary education was commenced under the Rev. Dr. McPheeters, at Raleigh, and continued at the Raleigh Academy, a well-known educational establishment of that day under Silas Bigelow and J. M. Lovejoy. He entered the University of North Carolina, joining an advance class, and, until compelled to leave by ill health, took first and second distinction. Among his classmates were United States Senator M. W. Ransom, United States Senator John Pool, and General Johnston Pettigrew, who was regarded as the finest mathematician of his day. He studied medicine at the University of Pennsylvania, Philadelphia, whence he graduated M. D. April 7th, 1849, and at once commenced the active practice of his profession in Raleigh. In 1850 he became a member of the Medical Society of the State of North Carolina, and continued to practise with constantly increasing success until the outbreak of the war. In May, 1861, he joined the Raleigh Light Infantry and was elected their surgeon. The authorities being fully alive to the necessity of selecting men of administrative ability for hospital duty, Dr. Haywood was sent by Governor Ellis on a tour of inspection and observation to the military hospitals on Morris Island and at Fort Sumter, S. C. He was appointed Surgeon of the North Carolina State troops, and placed in charge of the Fair Grounds Hospital, May 11th, 1861, and President of a Board of Surgeons to examine applications for the position of Surgeon to the North Carolina troops July 15th, 1861. He was appointed Surgeon in the Confederate States Army, August 1st, 1862, and placed in charge of the General Military Hospitals at Raleigh, N. C., during the years 1862-63-64-65, and at Seabrook's Hospital during the fights around Richmond. In the same year he became President of the Medical Board for granting discharges and furloughs from the Confederate States Army for Raleigh, N. C., and Acting Medical Director in the Confederate States Army for the Department of North Carolina. He remained in charge of the wounded Confederate soldiers



long after the close of hostilities, and it was not until the 4th of July, 1865, that the last was discharged cured and he resumed civil practice. He was elected Vice-President of the Medical Society of the State of North Carolina, June 1st, 1866, and elected to the chair of Surgery of the Board of Medical Examiners for the State of North Carolina for six years, June 6th, 1866. On May 22d, 1868, he was elected President of the Medical Society of the State of North Carolina, and the honorary degree of A. M. was conferred on him by the University of North Carolina, June 4th, 1868. Upon retiring from the Presidency of the Medical Society of the State of North Carolina in 1869, he delivered a valedictory address at Salisbury, entitled "The Physician, his relations to the community and the law," in which he sets forth in clear and forcible language the moral heroism and self-sacrifice of the conscientious physician's career. The necessity for habits of close observation to the exclusion of theories is insisted upon, and the great importance of a more extended knowledge of medical jurisprudence is urged with great acumen and ability. This address was published by request of the Medical Society.

At the organization of the Raleigh Academy of Medicine in 1870, he became a member. In 1871 he was elected a member of the Committee on Publication of the Transactions of the Medical Society of the State of North Carolina, and also filled that office in 1872 and 1873. He was elected Secretary of the Raleigh Academy of Medicine, January, 1872, and in the same year was appointed by the Medical Society of the State a member of the board to examine druggists. In January, 1872, he brought suit at a special term of Wake County Superior Court to establish the right of physicians and surgeons to extra compensation when summoned as medical experts. The Supreme Court on appeal decided in Dr. Haywood's favor, Chief-Justice Pearson delivering the opinion. In 1873 he was elected a member of the Board of Censors by the Medical Society of the State, and in March of that year elected corresponding member of the Gynecological Society of Boston, Mass. In January,

1874, he was elected President of the Raleigh Academy of Medicine, and was a delegate in October, 1875, to the Annual Session of the Association of Medical Officers of the late Confederate States Army and Navy held in Richmond, Va. Although opposed politically to the party in power at that time, he was appointed a member of the Board of Directors of the Insane Asylum of North Carolina for the years 1865 and 1871, and afterwards for 1874-75-76-77-78, and has been President of the Board for 1875, 1877, and 1878. He has always been indefatigable in promoting the comfort and welfare of the insane, and when the General Assembly of North Carolina in March, 1875, passed an act to provide for the colored insane, and appropriated \$10,000 per annum for the establishment at the Marine Hospital building, in Wilmington, of a Branch Asylum, he conclusively pointed out the impossibility of rendering that building suitable for such a purpose, and urged upon the General Assembly the necessity of appropriating sufficient to build an asylum for the colored insane. A commission was in consequence appointed, and a site has been selected at Goldsborough. In his report as President of the Board of Directors of the Insane Asylum for 1877, after showing by statistics that the average expense per head for the insane in the North Carolina Asylum was far below that of asylums in other parts of the Union, he makes an urgent and eloquent appeal for an appropriation which should at least place them on equality with those of other States. He was a delegate from the Medical Society of the State of North Carolina to the American Medical Association in the years 1869, 1870, 1875, and 1876, and to the International Medical Congress held in Philadelphia in September, 1876.

Dr. Haywood, in the course of his extensive practice, has performed successfully most of the more important surgical operations. In August, 1874, he performed the Cæsarean section with success, the mother living nine days, and the child thirteen hours. In 1874 he also operated on four cases of strangulated inguinal hernia, of which two were cured. In 1875 he operated

successfully in two cases of lacerated perineum, and has operated more frequently for strangulated femoral hernia, umbilical hernia, and strangulated inguinal hernia than any surgeon in North Carolina. In 1869 he successfully performed ligation of the right-external iliac artery for traumatic aneurism of femoral artery, the first operation of the kind in North Carolina, and the case was considered so important that it was published in pamphlet form by order of the Raleigh Academy of Medicine and the North Carolina Medical Society. Since the war he has removed several cancerous tumors of the mammæ. He was the first to use anæsthetics in obstetrics and puerperal convulsions in North Carolina in 1850. In April, 1869, he assisted Dr. Washington Atlee, of Philadelphia, in performing at Raleigh an operation for ovariectomy; the patient was next day left entirely in Dr. Haywood's charge and recovered, and has since been the mother of three children. His time has been so incessantly occupied by the demands of his extensive practice that he has had but little time for authorship, but among his contributions to medical literature may be mentioned: "Report of an operation for traumatic aneurism of femoral artery, cured by ligation" —to the *Confederate States Medical and Surgical Journal*, 1864; "Report of a case of compound comminuted fracture of middle and lower thirds of both bones of right leg," "Comminuted fracture of right femur," "Compound fracture of left femur just above the condyles," to the *Transactions of the Medical Society of the State of North Carolina*, 1867. A paper on several surgical cases describing the removal of various tumors, to the *Transactions of the Medical Society of North Carolina*, 1868; "Report of a successful operation for traumatic aneurism of the superficial palmar arch," "A case of craniotomy, and operation for vesico vaginal fistula," "Report of a successful operation for compound comminuted fracture of cranium with extensive depression and several large fragments driven into the brain," in the *Transactions of the Medical Society of North Carolina*, 1871; "Report of a case of total necrosis of diaphysis of the

tibia, periosteum not necessary for osteogenesis," "Report of a case of membranous croup, tracheotomy successfully performed and the child entirely recovered," "Report of a case of amputation of the right thigh at the upper third for gelatinous arthritis," in the *Transactions of the Medical Society of North Carolina*, 1872; "Report of an operation for fistula in ano with the elastic ligature," in the *Transactions of the Medical Society of North Carolina*, 1874.


Dr. Haywood is a member and vestryman of Christ Episcopal Church, Raleigh, of which the Rev. Dr. Marshall is the Rector; a member of the Board of Directors of the Presbyterian School, Raleigh, and Medical Director of the North Carolina Life Insurance Company, and Medical Examiner for the Mutual Life and Equitable Insurance Companies of New York for Raleigh, N. C. Dr. Haywood holds a distinguished position in the public esteem of his native State, well worthy of the long line of illustrious ancestry from whom he is descended. His high professional rank is indicated in what has been given above. Successful in every department of the medical art, he is distinguished especially as a surgeon, possessing as he does the requisite nerve, cool judgment, and decision of character in an extraordinary degree. Fully abreast in the forward march of his profession, he displays a due appreciation of all its resources for the relief of human suffering, and is prompt to accept responsibility and to win success, by a bold and intelligent confidence that accomplishes the best results. From the members of his profession, as well as from the general public, he enjoys the highest respect and esteem, for the variety and depth of his attainments and the unwearied devotion to duty that he has ever displayed. His love for his fellow-men has been attested by his long and arduous services in behalf of the charities of North Carolina, and especially in the promotion of the welfare of the insane. His high and spotless character, his patriotic services, and the nameless magic of his personal influence enabled him to stand firmly at a public post, in the defence of the vital interests of the stricken and helpless insane, in the

very midst of furious political storms, which passed him by as unscathed as the light-house at whose base the ocean waves may dash in vain. But, bold and unshrinking in the path of duty, he is naturally modest and retiring, and his honors have all been thrust upon him. To him apparently nothing is so welcome as the unobserved performance of the laborious work of his profession. Dr. Haywood is above the ordinary stature, quiet and composed in manner, with a most thoughtful and impressive countenance lit up by eyes of keen and searching power. Somewhat reserved in ordinary approach, his personal bearing is always impressive, and carries with it the stamp of directness of character and lofty and noble aims and feelings; he is both warm and outspoken in defence of right and justice, despising the mean and false, and firm and unwavering in his friendships. He has an intuitive knowledge of human nature, with great decision of character and a fixed determination that ensures success. With an unusually affectionate disposition towards the members of his own family, he combines a kindness and consideration for the interests of the younger members of his profession, which has encouraged many a weary struggler on the upward path to success. A patriot, a lover of mankind, a true friend, and a sincere Christian, few men hold to-day so enviable a place in the hearts of their fellow-citizens as Dr. Edmund Burke Haywood. It is hoped that, with the leisure that comes with advancing years, Dr. Haywood may employ his valued pen still further to grace the medical literature of his State with the treasures of his rich experience.

He married, in November, 1850, Lucy A. Williams, daughter of Alfred Williams, planter and bookseller, of Raleigh. He has one daughter and six sons, of whom Edmund Burke Haywood is a farmer in Wake county, N. C., Alfred Williams Haywood, a rising young lawyer of Raleigh, N. C., Hubert Haywood, a recent graduate at Bellevue Hospital Medical College, New York, Ernest Haywood, a student at the University of North Carolina, and the two youngest are at the High School, Raleigh.

## DR. S. M. BEMISS.

## LOUISIANA.

 SAMUEL MERRIFIELD BEMISS was born, October 15th, 1821, in Nelson county, Ky. The Bemiss family are descended from Welsh ancestors, who emigrated to this country at a very early period and settled in Worthington, Mass. They were known as settlers in Massachusetts as early as the beginning of the eighteenth century, and numbers of their descendants are now distributed throughout that State. The grandfather of the subject of this sketch, James Bemiss, at the commencement of the Revolutionary war enlisted in the army, and rendered efficient service in the struggle for independence; he was disabled at the battle of Bennington, and returned home broken down in health and reduced in circumstances. John Bemiss, his third son and father of Dr. S. M. Bemiss, was at an early age thrown on his own resources. By his own unaided efforts he was enabled to enter the medical profession, in which he afterwards attained a very high position; he married Elizabeth Bloomer, a native of the State of New York, and in 1817 retired from the active duties of his profession. From an early age he was of a religious turn of mind, which grew with his growth, and culminated in a desire to become a minister of the gospel. In 1830 he was ordained a minister of the Presbyterian Church, and continued to fulfil the duties of his office with great acceptance until his death in 1851, at the age of seventy-eight years.

Samuel M. Bemiss received his preliminary education under the instruction of his father and from private tutors. He read medicine in the office of Dr. Samuel Merrifield, of Bloomfield, Ky., for three years, and then entered the Medical Department of the University of New York, whence he graduated M. D. in 1846. In conjunction with Dr. Merrifield he practised medicine in Bloomfield from 1842 to 1850, and afterwards with Dr. Joshua Gore in the same city until 1853. In the latter year he removed to Louisville, where he was associated with Dr.

Benjamin Wible until 1862, when that gentleman entered the Confederate army. Dr. Bemiss was appointed in 1858 Professor of Clinical Medicine in the University of Louisville; in 1859 Professor of Hygiene and Medical Jurisprudence, and in 1861 Professor of *Materia Medica* and Therapeutics in the same institution. He remained in Louisville during part of 1862, but in consequence of the imprisonment of many sympathizers with the Confederate cause, and being threatened with the same fate himself, he determined on joining his fortunes with the South, and entered the Confederate army. He became acting surgeon in the Provisional army at Tunnel Hill, Ga., where he was engaged in hospital service. In January, 1863, he received the appointment of full surgeon in the Confederate army, and was ordered to Virginia, where he was placed on the Board of Medical Examiners at Hamilton's Crossing. In April, 1863, he was ordered to the West, and placed in charge of the hospital at Cherokee Springs, Ga. After the battle of Chickamauga, he was ordered with his hospitals to Newnan, Ga., and, December 1st, 1863, was appointed Assistant Medical Director of Hospitals in the office of Dr. S. H. Stout, Medical Director of Hospitals in the army of Tennessee. In 1864 he received the appointment of Medical Director in charge of the hospitals in the rear of the army of Tennessee, which position he continued to hold until the surrender in April, 1865.

After the war, he returned to Louisville, resumed the practice of medicine, and was appointed Professor of Physiology and Pathology in the University of Louisville. In 1866, having accepted the Chair of the Theory and Practice of Medicine and Clinical Medicine in the Medical Department of the University of Louisiana, he removed to New Orleans, where he has since continued to reside and to hold that professorship. In 1866 he visited Europe, making an extended tour of the hospitals in Great Britain, France, etc., etc. In October, 1878, he accepted the Chairmanship of the Commission appointed to investigate and report upon the origin and progress of the epidemic of yellow

fever in various parts of the United States. He went over the whole of the ground, visiting a large majority of the infected cities and towns—examining and investigating in detail—and, in conjunction with Dr. Jerome Cochran, did nearly all the practical work of the Commission. A report was presented at the meeting of the Public Health Association at Richmond, Va., November 22d, 1878. In the following December Dr. Bemiss was appointed a member of the Board of Experts appointed by Congress to investigate the yellow fever epidemic of 1878, of which Dr. John M. Woodworth, then Supervising Surgeon-General of the Marine Hospital Service, and since deceased, was the President. Including the thirty-four cities and towns visited by the Yellow Fever Commission, which was merged into the Board of Experts, more than fifty localities were carefully and personally examined previous to the 15th of January, when, in consequence of the urgent demand for public health legislation during that session of Congress, the Board convened in Washington. Their final report was made January 29th, 1879, and, as a result of their conclusions, a commission was sent to the perpetually infected ports of the West Indies to make a more thorough study of the yellow fever than had hitherto been undertaken; and in March following a National Board of Health was appointed. Of this Board, Dr. Bemiss was appointed a member and also Chairman of the Committee on Epidemics and Quarantine, with his head-quarters at New Orleans.

Dr. Bemiss was senior editor of the *New Orleans Medical and Surgical Journal* from 1868 to 1872, and has occupied the same position from 1873 until the present time. Among his more prominent contributions to the literature of his profession may be mentioned: "Report on the Influence of Marriages of Consanguinity upon Offspring," *Transactions American Medical Association*, 1858; "Essay on Crôup," *Louisville Review*, 1856; "Test Trials of Various Remedies in the Wards of the Charity Hospital," *New Orleans Medical and Surgical Journal*, 1876; "Case of Aphasia with Autopsy," 1867; "Observations on Pneumonia," reprinted from the





Yours faithfully  
Thos J Semmes

*New Orleans Medical and Surgical Journal*, 1878.

Dr. Bemiss was for several years a member of the Board of Health of New Orleans. He is a member of the American Medical Association, and was its Secretary in 1858, and Vice-President in 1868; member of the College of Physicians and Surgeons, Louisville, of which he has been Secretary and Vice-President; member of the Kentucky State Medical Society, in which he has held the offices of Treasurer and Secretary; member of the Boston Gynæcological Society; Senior Vice-President of the State Medical Association of Louisiana; and Professor of the Theory and Practice of Medicine and Clinical Medicine in the Medical Department of the University of Louisiana.

He was married October 16th, 1849, to Mary Frances Lockert, daughter of Eli Lockert, of Clarksville, Tenn. He has six children; his eldest son, Dr. John Harrison Bemiss, is practising medicine in Manai, in the Hawaiian Islands, and another son, Eli Lockert Bemiss, a graduate of the University of Virginia, is studying law.

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THOMAS JENKINS SEMMES, Esq.

LOUISIANA.

**T**HOMAS JENKINS SEMMES was born December 16th, 1824, at Georgetown, D. C., and is the son of Raphael Semmes, a prominent merchant of that place. The Semmes family are of French and English descent, and were among the first settlers in Maryland. A member of the family, Middleton Semmes, when a Judge of the Court of Appeals of Maryland, discovered, in seeking for a chain of title to some one's property among some old colonial papers, the record showing that "Joseph Semmes, of Normandy, in France," was, by order of the Council, naturalized to enable him to hold land. Mr. Middleton Semmes often spoke of it as the first naturalization in America, and the date was 1640. Other parties were subsequently naturalized, three or four at a time. A singular coin-

cidence is that on the Virginia shore of the Potomac river, opposite the Semmes property, some high cliffs are called to this day Normandy Cliffs, and Normandy is noted for its cliffs upon the seashore. From the beginning of the settlement of Maryland the name of Joseph has gone through every generation of the family. Many years ago Father Vawhorseigh discovered in some old house or church in Charles county, Md., a strong-bound Latin prayer-book, with the Mass and Vespers and all the prayers in Latin, printed in Belgium. It had, in very pale writing, the name of Joseph Semmes and — Neville (the book was stolen from the family during the war, and the Christian name of the Neville cannot be remembered), but it showed that Joseph Semmes had married a Neville, of England. In the book was pasted a steel engraved coat-of-arms of "George Neville," with the motto "Ne vile vellis" on it, and there was written or painted, in glossy black, but little faded, "1640." The Semmes family were also connected with the Talliaferro family, who are descendants of one Talliafer, who had the privilege, as a member of the family recently read, of opening the battle of Hastings. This was discovered on reading Paine's "History of English Literature." The Talliaferros used to boast that their ancestor did come over to England with William the Conqueror. There would seem no doubt, therefore, that the Semmes side of the family are French and English. On his mother's side, through her mother, the subject of this sketch undoubtedly came from the O'Neal family and the Jenkins, who were Welsh Catholics. His grandfathers were both owners of large farms in Charles county. A singular proof of the birth-place of the first Joseph Semmes was related to a brother of Thomas J. Semmes by the Admiral. When he was at Cadiz in the "Sumter," a Spanish gentleman called upon him and claimed kin; he stated that his father was a French soldier from Normandy, who was with the army that invaded Spain, and after the war married his mother, a Spanish woman; he spelt his name as the family now do. At Cherbourg, before the fight with the "Kearsarge,"

two Norman Frenchmen, named Semmes, called on board, and claimed kin with the Admiral.

Joseph Semmes, the father of Raphael, was a farmer of Charles county, Md., and one of his brothers was killed at the battle of Long Island, during the Revolutionary war. Joseph left a large family of sons, one of whom emigrated to Georgia after the termination of the struggle for independence, and from him are descended all the Georgia members of the Semmes family; General Paul Semmes, who was killed at the battle of Sharpsburg, was one of that branch of the family. Thompson Semmes, another son of Joseph's, was lost at sea; he left two sons, Raphael, afterwards the world-renowned Confederate Admiral and commander of the "Alabama," and Middleton, a lawyer of distinction in Cumberland county, Md., who was appointed to the Supreme Bench of Maryland, and died shortly after the close of the civil war. Dr. Benedict J. Semmes, another son of Joseph's, was a distinguished physician, and represented the first Maryland District during the administration of General Jackson. Felix Semmes, another son, was a merchant, of Washington, D. C., and died during the war. Raphael Semmes, the father of the subject of this sketch, was married in 1818, to Matilda Jenkins, a member of a prominent and wealthy family, of Charles county, Md., and died in 1846. The Jenkins family are of Irish descent, and came over to America with Lord Baltimore, settling in St. Mary's county, Md. Mrs. Raphael Semmes, the mother of Thomas J. Semmes, who is still alive, at the ripe age of seventy-eight, is a woman of remarkable strength of mind and wonderful variety of information. She was on terms of personal intimacy with every President of the United States, from President Monroe to President Lincoln, and associated with all the distinguished men in Washington during the greater part of half a century, including Calhoun, Clay, Webster, Berrien, Benton, Silas Wright, Dickerson, Bayard, Horace Binney, Sargeant, B. Watkins Lee, Wirt, Pinckney, the Tazewells, Taney, Marshall, etc., etc. She was largely instrumental in the formation of the character of her large

family of children, and to her they are indebted for much of their success in life. Virginia, the eldest daughter, married Major Rice W. Payne, of Warrenton, Va., an officer in the Confederate army. B. J. Semmes, the eldest son, was a merchant at Washington, D. C., and removed prior to the war to Memphis; on the outbreak of hostilities he entered the Confederate army as a private, was wounded at Shiloh, appointed Major in the commissary department, and was Generals Bragg and Johnston's chief depot commissary, at Dalton, Ga. He is now an extensive and prosperous merchant in Memphis. Thomas J. Semmes is the second son. Dr. Alexander J. Semmes, the third son, was a graduate of Georgetown (D. C.) College, studied medicine in Paris, and settled in New Orleans previous to the war, where he practised his profession. During the war he was Surgeon of the Eighth Louisiana Regiment, and married Miss Berrien, the daughter of Senator Berrien; she died without issue after the surrender, and he retired from his profession and became a Catholic priest; he is now Professor of Belles Lettres, and Vice-President at Pio Nono College, Macon, Ga. Raphael Semmes, the fourth son, was lost at sea at the age of sixteen, while on a voyage from San Francisco to New York. P. Warfield Semmes, the youngest son, graduated at Georgetown College; went to New Orleans, prior to the war, to study law; entered the Confederate army as Lieutenant in the First Louisiana Regiment, serving throughout, and rose to the grade of Captain. America Semmes, the second daughter, was the first wife of Major Rice W. Payne; she died during the war, leaving several young children. Clara Semmes, the third daughter, like all the others, was educated at the Convent of the Visitation, Georgetown, D. C.; she married, previous to the war, Lieutenant Fitzgerald, of the United States navy, who joined the Confederate navy, and died in that service at Greenville, S. C., in 1863. Cora Semmes, the fourth daughter, was married prior to the civil war, to Lieutenant J. C. Ives, of the United States Engineer Corps. At the commencement of hostilities Lieutenant Ives, who had just completed the exploration of



the Gila river, went to Richmond, and was appointed by President Davis Colonel on his personal staff, served in that capacity during the war, and died shortly after its close in New York; he left three children: Edward Ives, who is at present a Lieutenant in the United States army; Frank Ives, who is practising medicine in New York city; and Eugene Ives, a graduate of Georgetown (D. C.) College, now studying law at the Columbia Law School, New York. Ada Semmes, the youngest daughter of Raphael and Matilda Semmes, married, before the war, Richard H. Clarke, a lawyer, of Washington, D. C.; in consequence of his Southern proclivities he was compelled, during the war, to remove from Washington to New York, where he now resides, and is practising his profession.

Thomas J. Semmes received his early education at a primary school in Georgetown, D. C., conducted by an old Scotchman, named McLeod, who was a teacher of some distinction at that day. When eleven years of age he entered the Georgetown College, D. C., whence he graduated in 1842, when only seventeen and a half years of age.

During the last three years of his term at the college he took the first honors for three successive years in his class, for which he was awarded a silver medal. He then studied law for one year in the office of Clement Cox, of Georgetown, D. C., and afterwards entered the law school of Harvard University, whence he graduated in January, 1845. The Harvard Law School was at that time presided over by Associate Justice Story, then of the United States Supreme Bench, and Professor Greenleaf, author of the well-known work on "Evidence." Among his contemporaries at Harvard were Rutherford B. Hayes, Henry C. Semple, of Montgomery, Ala., nephew of the then President, John Tyler, and Burlingame, afterwards Minister to China.

The Semmes family had always been Whigs, but about this time Thomas was led to peruse Judge Upshur's able review of Judge Story's work on the Constitution of the United States, and was so impressed with the force of his argu-

ment that he became thenceforward a staunch States-Right Democrat.

He was admitted to the bar in Washington, D. C., March, 1845, six months before he became twenty-one years of age, passing his examination before Chief-Justice Cranch and Associate-Justices Morsell and Dunlop. He commenced the practice of his profession in Washington, in partnership with Walter D. Davidge, now a distinguished lawyer, and grandson of Chief-Justice Dorsey, of Maryland, and the celebrated Dr. Davidge, of Baltimore. In January, 1850, he was married to Miss Myra E. Knox, daughter of William Knox, banker and planter, of Montgomery, Ala., and Anna O. Lewis, a member of the distinguished Lewis and Fairfax families, who were relatives of the Washingtons of Virginia. In December, 1850, he removed to New Orleans, and the civil law of Louisiana being so different from the common law, he found himself compelled to study for three months in order to qualify himself for admission to the bar of that State. He was subjected to an examination by a committee of the bar, appointed by the Supreme Court of the State, and was admitted to practise, February, 1851. In 1853 he formed a partnership with Matthew Edwards, who had been one of his classmates at Harvard.

In 1855 the excitement on the "Know-Nothing" question ran very high, and Mr. Semmes delivered an elaborate address at Armory Hall in defence of the Catholics, and openly attacking the principles of the Know-Nothing party. This led to a rupture with Mr. Edwards, who was an ardent member of that party, and their partnership was in consequence dissolved. His vigorous utterances on this question brought him prominently into notice in political life, and he was at once elected a member of the Democratic State Central Committee, and appointed its Secretary. As Secretary, he prepared an address to the Democratic party of the State, and carried on an energetic correspondence with the Central Committee of the Know-Nothing organization in regard to their method of conducting the election. At that election Mr. Semmes was a candidate for

the House of Representatives of Louisiana from the First ward of New Orleans, and was elected by a large majority. During the election a ballot-box in the Seventh ward, containing some 1,300 votes, was destroyed, but the count had proceeded sufficiently far to indicate a Democratic majority sufficient to elect the candidate of that party for Sheriff. Joseph Hufty, the Know-Nothing candidate, was returned as elected, and his opponent, John M. Bell, brought action to contest his election. The jury decided in favor of Hufty by a majority vote, and when the Legislature met it became a question whether the Democratic party should submit to having the result of the election reversed by the fraudulent destruction of the ballot-box. A caucus was held on the question of the removal of Hufty from office under the general power vested in the Legislature to remove officers. A number of timid members of the caucus opposed such energetic action, and doubted the constitutional power of the Legislature to remove the Sheriff. Mr. Semmes led the movement in favor of the power to remove both as a matter of policy and law, and finally induced the caucus to accept his views. He was thereupon appointed by the House of Representatives, in conjunction with Mr. Henry M. Hyams on the part of the Senate, to prepare an address for the removal of Hufty. This was the first instance that such power had ever been exercised in Louisiana, and the method of proceeding was novel. The following is a copy of the address:

*An Address Removing from Office Joseph Hufty, Sheriff of the Parish of Orleans:*

"WHEREAS, Freedom of suffrage and the inviolability of the ballot-box are the only basis of Republican government; and *whereas*, the great palladium of American liberty has been overthrown and trampled under foot at the late general election held in New Orleans on the 5th of November, 1855, whereby the free expression of the popular will has been illegally suppressed by partisan commissioners of elections, who arrogated to themselves the power to disfranchise legal voters, and by bands of lawless men who not only drove peaceful citizens from the poll by intimidation, violence and

bloodshed, but, even after the polls had been closed, destroyed more than thirteen hundred legal votes which had been received during the election by the Commissioners, to the truth of which outrages the whole population of New Orleans bear witness; and *whereas*, the late Governor of this State has urged the Legislature 'to crush the evil at once, and before it has taken root, and by the most pointed and energetic means;' and *whereas*, the Legislature is constituted by the organic law the grand inquest of the State for the protection of the elective franchise from tumult, violence and other improper practice, and to vindicate the constitutional rights of the people rising above and not the subject matter of ordinary judicial investigation, but totally independent of, and not to be confounded with, individual claims to office; and *whereas*, the 97th Article of the Constitution declares that 'all civil officers, except the Governor and the Judges of the Supreme and inferior courts, shall be removable by an address of a majority of both houses, except those the removal of whom has been otherwise provided for by this Constitution;' and *whereas*, a Sheriff is a civil officer whose removal is not otherwise provided for by the Constitution; and *whereas*, it has been indubitably established, to the satisfaction of this Legislature, that the constitutional rights of the citizens of New Orleans have been grossly violated in the late election for Sheriff of the parish of Orleans; *therefore be it Resolved*, By the Senate and House of Representatives of the State of Louisiana in General Assembly convened, a majority of the members of both Houses concurring in this address, that *Joseph Hufty*, commissioned as Sheriff of the parish of Orleans, be and is hereby removed from the office of Sheriff of the parish of Orleans. Be it further *Resolved*, That this address be presented to the Governor of this State in compliance with the Constitution thereof, and that the same take effect from and after its passage.

(Signed) "WILLIAM W. PUGH,

"Speaker of the House of Representatives.

"C. H. MONTON,

"Lieutenant-Governor and President of the Senate.

"Approved February 21st, 1856.

(Signed) "ROBERT C. WICKLIFFE,

"Governor of the State of Louisiana."

As there was violent agitation in New Orleans on this question, it was deemed prudent to have the address presented and advocated by Democratic members from the country districts. When the debate came on, however, it was dis-

covered that the persons selected to conduct the case on the Democratic side were overmatched, and about three o'clock in the day many members urged Mr. Semmes to speak in vindication of the address. Unexpected as was this request, and quite unprepared as he was for so important a duty, he cheerfully accepted the situation, and made one of the most powerful and convincing arguments of his life. The address was carried, and its constitutionality was subsequently vindicated by the decision of the Supreme Court in the case. From that time forward Mr. Semmes became the leader of the Democratic party in the Louisiana Legislature. He served in the Legislature for the session of 1856-57, and in 1858 was appointed by President Buchanan United States District-Attorney for Louisiana. In the course of his official duties he prosecuted General Walker for unlawful expeditions against Nicaragua. The trial was held in the Circuit Court of the United States, presided over by Associate-Justice John A. Campbell. Although the evidence was conclusive, and the Judge's charge strongly in favor of conviction, the jury disagreed, and Mr. Semmes thereupon entered a *nolle prosequi* without consultation with Judge Campbell.

Subsequently, at a personal interview with President Buchanan in Washington in 1859, the President called him to account for having entered a *nolle prosequi* without consultation with the presiding Judge, and Mr. Semmes replied that when the jury would not convict on such evidence as had been adduced at the trial, he had abandoned all expectation of a different result in the event of another trial, and he thought it good policy not to persecute the prisoner by useless prosecution. In 1859, while still United States District-Attorney, he was nominated by the Democratic Convention for Attorney-General of Louisiana. He resigned the District-Attorneyship in July, 1859, and was elected Attorney-General by 10,000 majority in the fall of that year, and entered on the duties of his office in January, 1860. In January, 1861, he was elected, after very vigorous opposition, a member of the Convention which passed the

Ordinance of Secession, January 26th, 1861, for which he voted.

In September, 1861, as Attorney-General of Louisiana, he was called by President Davis to Montgomery, to consult as to the suspension of specie payment by the State Banks. So long as the State Banks continued specie payments it would materially interfere with the circulation of the Confederate currency; but suspension of specie payment under the State law would operate as a forfeiture of the charters of the banks. Mr. Semmes, under these circumstances, agreed not to prosecute the banks should they suspend specie payment, but to report the matter to the Legislature for instructions. The banks accordingly suspended in September, 1861, and the Legislature passed the matter over in silence. In November, 1861, it became necessary to elect two Senators to the Confederate Senate, organized under the new Constitution, and Hon. T. J. Semmes and General Edward H. Sparrow were chosen Senators from Louisiana. Mr. Semmes took his seat in the Confederate Senate at Richmond, Va., February, 1862, and in the drawing for terms he drew that for four years, while General Sparrow drew that for six years. An interesting circumstance, as illustrating the peculiar relations of one part of the country to another at that memorable period, took place in Mr. Semmes' family. Some years previous to the war Mrs. Semmes, in paying a visit to the North, had occasion to visit a convent in Boston, Mass., where a relation of Mr. Semmes was one of the sisters. A bright and intelligent little girl, an inmate of the institution, ran up to Mrs. Semmes on her entrance, calling her "Mamma!" The lady was so touched and interested by the artless manner of the little orphan that the sisters urged her, as she had at that time no children of her own, to adopt the child. The matter being referred to Mr. Semmes, he at first demurred, but a second visit having strengthened the mutual affection between the lady and the child, it was finally decided that Mr. Semmes should adopt her, and pay for her education and care by the sisters until she could be conveniently sent to her new home.

Some time after the commencement of the war this child, reared in the very heart of Yankeeedom, yet adopted and educated by a prominent "rebel," was safely sent through the lines to the home of her adopted parents in the Confederacy.

In the Confederate Senate Mr. Semmes was appointed a member of the Finance Committee in conjunction with Hon. R. M. T. Hunter, of Virginia, and Hon. Robert Barnwell, of South Carolina; and a member of the Judiciary Committee of which Hon. B. H. Hill was Chairman. He was also Chairman of the joint Committee on the Flag and Seal of the Confederate States. He drafted under the direction of Hon. R. M. T. Hunter the "Tax in kind" bill, which practically supported the Confederacy during the last two years of the war. As member of the Finance Committee he advocated the scaling and calling in of the outstanding Confederate currency, on the ground that the purchasing power of the new currency to be issued in exchange would be greater than the total amount of the outstanding currency in its then depreciated condition. This measure was afterwards carried. He made a report from the Judiciary Committee adverse to martial law. He made a report from the Flag and Seal Committee, advocating the adoption of that report in a speech the substance of which was subsequently published in the *London Index*, a paper which had been established in the interests of the Confederate States, in London. The following were the proceedings in the Senate:

#### "THE CONFEDERATE SEAL.

"In the Senate, on the 27th of April, 1864, the House resolutions for establishing a seal being before that body, Mr. Semmes moved to strike out the words 'seal of,' and substitute for the words 'Deo duce vincemus' the legend 'Deo vindice majores æmulamur,' and made thereon the following remarks:

"MR. PRESIDENT: I am instructed by the Committee to move to strike out the words 'duce vincemus' in the motto and insert in lieu thereof the words 'vindice majores æmulamur'

—'under the guidance and protection of God we endeavor to equal, and even to excel, our ancestors.' Before discussing the proposed change in the motto, I will submit to the Senate a few remarks as to the device on the seal.

"The Committee have been greatly exercised on this subject, and it has been extremely difficult to come to any satisfactory conclusion. This is a difficulty, however, incident to the subject, and all that we have to do is to avoid what Visconti calls 'an absurdity in bronze.'

"The equestrian statue of Washington has been selected in deference to the current of popular sentiment. The equestrian figure impressed on our seal will be regarded by those skilled in glyptics as to a certain extent indicative of our origin. It is a most remarkable fact, that an equestrian figure constituted the seal of Great Britain from the time of Edward the Confessor down to the reign of George III., except during the short interval of the Protectorate of Cromwell, when the trial of the King was substituted for the man on horseback. Even Cromwell retained the equestrian figure on the seal of Scotland, but he characteristically mounted himself on the horse. In the reign of William and Mary, the seal bore the impress of the king and queen both mounted on horseback.

"Washington has been selected as the emblem for our shield, as a type of our ancestors—in his character of princeps majorum. In addition to this, the equestrian figure is consecrated in the hearts of our people by the local circumstance that, on the gloomy and stormy 22d of February, 1862, our Permanent Government was set in motion by the inauguration of President Davis under the shadow of the statue of Washington.

"The Committee are dissatisfied with the motto on the seal as proposed by the House resolution. The motto proposed is as follows: 'Deo Duce Vincemus'—'Under the leadership of God we will conquer.'

"The word 'Duce' is too pagan in its signification, and is degrading to God because it reduces him to the leader of an army; for scarcely does the word 'duce' escape the lips before the imagination suggests 'exercitus,' an army for a

leader to command. It degrades the Christian God to the level of pagan gods, goddesses, and heroes, as is manifest from the following quotation, 'Nil desperandum Tenero duce.' This word 'duce' is particularly objectionable because of its connection with the word 'vincemus'—'we *will* conquer.' This connection makes God the leader of a physical army, by means of which we *will* conquer, not *must* conquer. If God be our leader we *must* conquer, or he would not be the God of Abraham, and of Isaac, and of Jacob, nor the God of the Christian. This very doubt implied in the word 'vincemus' so qualifies the omnipotence of the God who is to be our 'leader,' that it imparts a degrading signification to the word 'duce' in its relation to the attributes of the Deity.

"The word 'vincemus' is equally objectionable because it implies that the war is to be our normal state; besides, it is in the future tense—'we will conquer.' The future is always uncertain, and therefore it implies doubt. What becomes of our motto when we *shall have* conquered? The future becomes an accomplished fact, and our motto thus loses its significance. In addition to this, there are only two languages in which the words will and shall are to be found—the English and the German—and in those they are used to qualify a positive condition of the mind and render it uncertain; they are repugnant to repose, quiet, absolute and positive existence.

"As to the motto proposed by us, we concur with the House in accepting the word 'Deo'—God. We do so in conformity to the expressed wishes of the framers of our Constitution, and the sentiments of the people, and of the army.

"The Preamble of the Provisional Constitution declares that 'We, the deputies of the sovereign and independent States of South Carolina, etc., *invoking the favor and guidance of Almighty God*, do ordain, etc.' In this respect both our Constitutions have deviated in the most emphatic manner from the spirit that presided over the construction of the Constitution of the United States, which is silent on the subject of the Deity.

"Having discarded the word 'duce,' the Committee endeavored to select in lieu of it a word more in consonance with the attributes of the Deity, and therefore more imposing and significant. They think success has crowned their efforts in the selection of the word 'Vindex,' which signifies an asserter, a defender, protector, deliverer, liberator, a mediator, and a ruler or guardian, as may be seen from the following examples: 1st. A *defender*: 'Habet sane populus tabellam quasi vindicem libertatis'—Livy. The people hold a bond, the *defender*, as it were, of their liberty. 2d. A *protector*: 'Vindicem periculi Curium res suppeditat'—Livy. The circumstances suggest or afford Curius as a *protector* against danger. 3d. A *mediator*: 'Nec Deus intersit nisi dignus vindice nodus inciderit'—Horace, *Ars Poetica*. Let not God intervene, unless the catastrophe be worthy of such a *mediator* or *interposer*. 4th. *Ruler* or *Guardian*: 'Vindicem eum regni reliquit'—Justin's History. He left him *ruler* or *guardian* of the kingdom.

"Vindex also means an avenger or punisher. 1st. 'Furiæ vindices facinorum'—Cicero. The furies, the *avengers* of crime. 2. 'Me vindicem conjurationis oderunt'—Cicero. They hate me, the punisher of their conspiracy.

"No word appeared more grand, more expressive or significant than this. Under God as the asserter of our rights, the defender of our liberties, our protector against danger, our mediator, our ruler and guardian, and, as the avenger of our wrongs and the punisher of our crimes, we endeavor to equal or even excel our ancestors. What word can be suggested of more power, and so replete with sentiments and thoughts consonant with our idea of the omnipotence and justice of God?

"At this point the Committee hesitated whether it were necessary to add anything further to the motto 'Deo vindice.' These words alone were sufficient and impressive, and in the spirit of the lapidary style of composition were elliptical and left much to the play of the imagination. Reflection, however, induced us to add the words 'majores æmulamur,' because without

them there would be nothing in the motto referring to the equestrian figure of Washington. It was thought best to insert something elucidative or adoptive of the idea intended to be conveyed by that figure. Having determined on this point, the Committee submit to the judgment of the Senate the words 'majores æmulamur,' as best adapted to express the ideas of 'our ancestors.' 'Patres' was first suggested, but abandoned because 'majores' signifies ancestors absolutely, and is also more suggestive than 'patres.' The latter is a term applied to our immediate progenitors who may be alive, whereas 'majores' conveys the idea of a more remote generation that has passed away.

"This distinction is well marked in the following quotation from Cicero against Cæcilius: 'Patres, majoresque nostri'—Our fathers and forefathers.

"That being disposed of, the question arose as to the proper signification of the word 'æmulamur.' Honorable emulation is the primary signification of the word; in its secondary sense it is true it includes the idea of improper rivalry, or jealousy. But it is used in its primary and honorable sense by the most approved authors, as may be seen from the following examples: 1st. 'Quoniam æmulari non licet nunc invidet' (Plautus, *The Boastful Soldier*)—Since you cannot equal, you now envy him. 2d. 'Omnes ejus instituta laudare facilius possunt quam æmulari' (Cicero)—It is easier to praise than to equal his precepts. 3d. 'Pindarum quis-quis studet æmulari, etc.' (Horace, *Odes*)—Whoever endeavors to equal Pindarus is sure to fall. 4th. 'Virtutes majorum æmulari' (Tacitus, *Life of Agricola*)—To equal, to come up to the virtues of our ancestors. This last example is an exact application of the word in the manner proposed by the committee.

"The secondary and improper sense of the word æmulari is excluded in the proposed motto by the relation it bears to 'Deo vindice.' This relation excludes the idea of envy or jealousy, because God, as the asserter of what is right, justifies the emulation, and as a punisher of what is wrong, checks the excess, in case the emula-

tion runs into improper envy or jealousy. In adopting the equestrian figure of Washington, the Committee desire distinctly to disavow any recognition of the embodiment of the idea of the 'Cavalier.' We have no admiration for the character of the 'Cavalier' of 1640, any more than for that of his opponent, the Puritan. We turn with disgust from the violent and licentious Cavalier, and we abhor the acerb, morose and fanatic Puritan, of whom Oliver Cromwell was the type. In speaking of Cromwell and his character Guizot says: 'That he possessed the faculty of lying at need with an inexhaustible and unhesitating hardihood, which struck even his enemies with surprise and embarrassment.'

This characteristic seems to have been transmitted to the descendants of the Pilgrims who settled in Massachusetts Bay to enjoy the liberty of persecution. If the Cavalier is to carry us back to days earlier than the American revolution, I prefer to be transported in imagination to the field of Runnymede, when the Barons extorted Magna-Charta from the unwilling John. But I discard all reference to the Cavalier of old, because it implies a division of society into *two orders*, an idea inconsistent with Confederate institutions.

"The Committee have discharged their duty and submit the result to the consideration of the Senate.

"It is true they have labored more than a year, and critics may say 'parturiunt montes, nascitur ridiculus mus.'

"Æsthetic critics, who claim to be versed in glyptics, have, however, failed to suggest anything better. If the proposition be not satisfactory to the Senate, it is hoped the matter will be intrusted to other and more learned hands.

"Mr. Semmes' amendment to strike out the words 'seal of' was agreed to. Mr. Davis moved to amend the original text by striking out the word 'vincemus;' agreed to.

"Mr. Semmes' motion to strike out 'duce' and insert 'vindice majores æmulamur,' was rejected.

"Mr. Semmes then moved to amend by substituting 'vindice' for 'duce;' agreed to.

"The resolution, as amended, was then read a third time, passed, and sent to the House.

"The seal as adopted by the Senate will be as follows:

"A device representing an equestrian portrait of Washington (after the statue which surmounts his monument in the Capitol Square at Richmond), surrounded with a wreath, composed of the principal agricultural products of the Confederacy, and having around its margin the words, 'Confederate States of America, 22 February, 1862,' with the following motto: 'Deo vindice.'"

In March, 1865, General Lee having communicated to the Confederate Congress that it would be impossible for him to hold Richmond any longer, Mr. Semmes, with his wife, left that city en route for Montgomery, Ala., the residence of his father-in-law. They travelled through North Carolina and a part of Georgia in a wagon, and when they arrived at Augusta, Ga., heard of the surrender of General Lee. From thence they started by rail for Atlanta, but finding the road in ruins, proceeded to La Grange, Ga., the home of Senator B. H. Hill. Upon their arrival at his house they found assembled there Senators C. C. Clay and Wigfall, and Mr. Mallory, the Secretary of the Confederate Navy, besides Mr. Hill himself. Mr. Semmes foreseeing that if they all remained there some Federal lieutenant with a few soldiers, passing through the town, might charge them with conspiring treason, and arrest them, borrowed a buggy, and rode over to Alabama. Here he stopped at a place belonging to his father-in-law, in the Talladega region. A few days afterwards he heard from Senator Wigfall, who was tramping through the country on foot disguised, that Mr. B. H. Hill had been arrested, as he had foreseen. Shortly afterwards Mr. Semmes went to Montgomery, Ala., and there remained until October, 1865. Previous to that time he wrote to General Canby, asking to be allowed to return to New Orleans to resume the practice of his profession, the General having issued an order that none of the Confederates, situated as Mr. Semmes was,

should be permitted to return without permission from the military authorities. He had written to General Canby because, when a Lieutenant in the army, the General had been neighbor of Mr. Semmes' mother in Georgetown, D. C., and he was well acquainted with the family. Receiving no reply, however, to his application, he took the cars to Washington, and in a five minutes' interview with President Johnson, was granted a pardon. The President asked him what he had done, to which he replied—"all that a man could possibly do, by deeds and words, to promote the Confederate cause; but, the cause having been defeated, he desired to resume in peace the practice of his profession, in order to support his family." The President, smiling, said, "Well, go to work!" He immediately returned with his wife to New Orleans, having borrowed one hundred dollars for the purpose, and not being possessed of another cent in the world, as all his property had been confiscated. He recommenced the practice of law in New Orleans in partnership with Mr. Robert Mott, with whom he was associated until 1875. Great prosperity has since rewarded his exertions, and he has gradually risen to the head of the bar in Louisiana, which proud position he shares with Judge John A. Campbell. He acquired particular distinction in defending George M. Wickliffe, in 1869, charged with malversation in office, and the stealing of interest coupons surrendered to him as Auditor, and paid by the State. Wickliffe was acquitted before the Criminal Court, but subsequently impeached at the instance of Governor Warmoth, and was again defended, on his trial before the Louisiana Senate, by Mr. Semmes. The charges against him were mainly for auditing fictitious accounts, and for receiving compensation from persons presenting accounts against the State. When the trial had proceeded sufficiently far to convince Mr. Semmes that there was no hope of Wickliffe's acquittal, he advised him, pending his trial, to resign his office. The Senate, however, refused to accept his resignation, and pronounced judgment against him. Two murder trials, in which he was engaged, also added

greatly to his rapidly increasing reputation—the case of Mr. Cammack, charged with the murder of Nixon, who was shot at the door of the Boston Club, in Carondelet Street, New Orleans; and that of the two Boyds, who, going into a bank in New Orleans in business hours, demanded of one of the officers, while performing his duties, that he should sign a written retraction of certain charges, and, on his refusal to do so, shot him on the spot. They were acquitted on an ingenious theory of self-defence. In the fall of 1872 Mr. Semmes argued before Judge Durell some important questions, involving the legality of the State elections. In 1875 he successfully prevented the bond-holders of the State from interfering with the funding scheme provided for by the Legislature. The original bond-holders had applied to the United States Circuit Court for a mandatory injunction to compel the officers of the State to levy and collect the taxes authorized by the various acts passed previous to 1874, for the payment of the interest on their bond. Mr. Semmes was engaged with Judge William H. Hunt, now of the Court of Claims, Washington, on behalf of the State, to oppose this application, and succeeded in defeating it, thereby securing the funding system, which had been inaugurated by the Legislature and the Constitutional Amendments of 1874.

He was prominently engaged in the great litigation between the present City Gas Company and the New Orleans Gas-Light Company, which lasted during 1875 and 1876.

In 1879 he was engaged in the Louisiana Lottery case. The Louisiana Legislature of 1879 repealed the charter of the Lottery Company, making it a criminal offence to sell lottery tickets. Mr. Semmes, with Judge John A. Campbell, obtained an injunction against the State officers to prevent them from executing the penal part of the repealing law against the company, on the ground that the Legislature had no power to repeal the charter and punish the vendors of tickets as criminals.

In 1873 Mr. Semmes was appointed Professor of Civil Law in the University of Louisiana, and occupied that chair until 1879, when he re-

signed, in consequence of the pressure of other duties. In the introductory lecture delivered by him at the opening of the institution, he gave an epitome of the history and sources of the laws of Louisiana, from which we make the following extracts:

“In Louisiana the civil law prevails, and it is the only State in the Federal Union, carved out of the vast territories acquired by the United States from France, Spain and Mexico, in which the civil law has been retained as the basis of jurisprudence. The common law modified by statute dominates all our sister States. The intimate relations and intercourse between the people of Louisiana and the citizens of other States have given rise in our courts, in consequence of the dissimilarity of the two systems of law, to more numerous and intricate questions of conflict of laws than in the courts of any other State. Happily for us, many of these questions were considered and adjudicated while Chief-Justice Martin was, by his ability and learning, the ornament of our supreme judicial tribunal. You will perceive in Story’s elaborate work on the ‘Conflict of Laws’ numerous and copious references to the decisions of the Louisiana courts. The conflict of laws is a subject daily considered by the legal practitioner in Louisiana, and I commend it to your careful study as an essential branch of the law, and necessary to fit you for the intelligent performance of your professional duties. Louisiana was settled by the French in 1699, and was subject to the dominion of France until August, 1769, when it was taken possession of by O’Reilly for Spain under a secret treaty concluded in November, 1762, but not made public until the 23d of April, 1764. About three months after taking possession, O’Reilly published in the French language extracts from the whole body of the Spanish law, with references to the books in which they are contained, purporting to be intended for elementary instruction to the inhabitants of the province. This publication, followed by an uninterrupted observance of the Spanish law, was received as an introduction into Louisiana of the Spanish Code in all its



parts. . . . The transfer from France to Spain did not change the system of law governing the territory; for the civil law, as a system, then was and now is the law of both nations. Spain, so far as possession affected our laws, remained in possession until 1803, when Louisiana was transferred to the United States. It is true the territory was acquired from France during the administration of Mr. Jefferson, for, by the treaty of Ildefonso, in the year 1800, Spain had retroceded Louisiana to France, but the actual possession of France lasted only from the 30th of November to the 20th of December, 1803. During this brief interval no material change in the law was made. The French merely re-established the Black Code of Louis XV., prescribing rules for the government of slaves, and substituted a Mayor and Council, in the place of the Cabildo, for the administration of the affairs of the city of New Orleans. Therefore, so far as our law is concerned, it may be said, it was French from 1699 to 1769, and Spanish from 1769 to 1803. But as French and Spanish law both descend from the same parent source, the changes made during Spanish rule, so far as private rights are concerned, were not radical, but modifications of the system founded by the French. The material changes consisted in the substitution of the Spanish for the French language in all legal proceedings, and the introduction of Spanish laws respecting public order, and the disposition of the national domain. It is thus perceived that, at the time Louisiana came into possession of the United States, her law was a system established by the French and modified by the Spaniards, but derived from the civil law which was common to both people. By the treaty of Paris the inhabitants of Louisiana became citizens of the United States, and were guaranteed the enjoyment of their liberty, property and religion. Congress, in anticipation of the transfer, on the 31st of October, 1803, provided for the temporary government of the territory by a statute, vesting all the military, civil and judicial powers, exercised by the officers of the existing government, in such person or persons as the President might appoint, to be

exercised in such manner as he might direct. By act of Congress, approved 26th of March, 1804, a territorial government was organized under the name of the 'Territory of Orleans.' The territory described in that act embraced all the territory of the present State of Louisiana, and separated it from the residue of the Louisiana cession, as described in the treaty of Paris. For Louisiana, as acquired from France, embraced all the country from the Gulf of Mexico to the forty-ninth parallel of latitude, and from the Mississippi to the Rocky Mountains. But although the terms of the territorial act of 1804 embraced the territory now comprised within the limits of the State of Louisiana, that part of the State, commonly called the Florida Parishes, was at that time actually in the possession of Spain, and was held by her until the year 1810. The territorial act of 1804 vested the legislative power in a Governor to be appointed by the President, and thirteen persons who were to be appointed annually by the President. But on the 2d of March, 1805, Congress authorized the President to establish in Louisiana a government similar to that existing in the 'Mississippi Territory,' which had been created by adopting the ordinance of 1787 relative to territory northwest of the Ohio river, excluding that portion of the ordinance regulating successions, and the last article prohibiting slavery. It is thus perceived that the celebrated ordinance of 1787 regulated the form of government existing in Louisiana until she was admitted into the Union as an independent State. The second article of the ordinance of 1787 guaranteed among other fundamental rights the benefit of the writ of *habeas corpus*, the right of trial by jury, and judicial proceedings according to the course of the common law. The first important and radical change made by the new government in the laws of the territory was the necessary result of the change of rulers, and of the guarantees contained in the ordinance of 1787. The criminal law and proceedings of the Latin races in Europe, whose absolute governments ignored the guarantees contained in our Federal Constitution, were repugnant to the Anglo-Saxon

ideas of individual liberty and constitutional limitation of governmental power which predominated in the American mind. The territorial statute of the 4th of May, 1805, defined what acts should constitute crimes and offences, and provided for the trial and punishment of offenders. In so doing, the language and terms of the common law of England were used, and the following provision was embodied in the act, viz.: 'All the crimes, offences and misdemeanors, herein before mentioned, shall be taken, intended and construed according to and in conformity with the common law of England, and the forms of indictment (divested, however, of unnecessary prolixity), the method of trial, the rules of evidence, and all other proceedings whatsoever, in the prosecution of said crimes, offences and misdemeanors, changing what ought to be changed, shall be (except by this act otherwise provided for) according to said common law.' This section of the act of 1805 has never been repealed; even in the Revised Statutes of 1870, it is expressly excepted in the general repealing clause contained in the last section of those statutes. The result of this enactment was an entire displacement of the existing criminal law of the territory, and the substitution of the provisions of the act in its stead. Hence, no act of man is criminal in Louisiana unless a statute of the State can be produced stamping it as a crime or offence. There is no such thing in Louisiana as a common law offence—all offences are created by statute. The common law is resorted to for the purpose of interpretation and construction of the terms of the statutes creating offences, but criminality cannot be predicated of an act which the Legislature has not, in express terms, denounced as a crime or offence. An additional result of this statute of 1805 is, that the common law of England, as construed and interpreted in 1805, is the standard by which we are governed; hence, no change or modifications of the English laws affect our criminal jurisprudence in Louisiana, unless adopted by statute; and the English decisions, and the opinions of English commentators since 1805, in opposition to the decisions

and standard works prior to that period, are not authoritative expositions of our criminal law. The next important legislative measure was a codification of the civil law of the territory. Prior to this codification, the laws were in the Spanish language, and the fact that the vast majority of the people were of French descent and Americans rendered it necessary that the new compilation should be published in English and French. It is generally supposed that the Civil Code of Louisiana is but a re-enactment of the Napoleon Code; but such is not the fact. It is true the French Code preceded our Code of 1808 by five years, and a projet of it may have suggested to our legislators the idea of codification; but at the time of the preparation of the Louisiana Code of 1808 the Napoleon Code, as adopted, had not reached the territory. In June, 1806, the Legislature of the territory appointed two lawyers of eminence—James Brown and Moreau Lislet—to prepare a Civil Code, with express instructions to make the Civil Law, by which the territory was then governed, the ground work of the Code. On the 31st of March, 1808, the Code was adopted by the Territorial Legislature, and all the ancient laws inconsistent with it were repealed. The effect of this was, that the Spanish laws remained in force, to the extent to which they were not in conflict with the Code of 1808, and they were quoted and acted on as authoritative until 1828. On the 28th of March, 1828, the Legislature repealed all the civil laws of the State which were in force prior to the Code of 1825, except so much of the title tenth of the Code of 1808 as treated of the dissolution of corporations. The State of Louisiana was admitted into the Federal Union under the dominion of the Code of 1808, and the Spanish laws not in conflict with that Code. On the 20th of February, 1811, Congress passed an act to enable the people of the 'Territory of Orleans' to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States. The people in convention assembled, having framed a constitution and adopted the name of Louisi-

ana as the title of the new State, Congress on the 8th of April, 1812, declared Louisiana to be one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever. Provided that it should be taken as a condition upon which the said State is incorporated into the Union, that the river Mississippi and the navigable rivers and waters leading into the same, and into the Gulf of Mexico, shall be common highways, and forever free as well to the inhabitants of said State as to the inhabitants of other States and the territories of the United States, without any tax, duty, impost or toll therefor imposed by the said State, and that the above condition, and also all the other conditions and terms contained in the third section of the act of 1811, shall be taken and deemed as fundamental conditions and terms upon which the said State is incorporated into the Union. It was further declared that all the laws of the United States not locally inapplicable were by that act extended to the said State. At the same time the State was organized into one Federal judicial district, and the appointment of a District Judge of the United States, with Circuit Court powers, was provided for. While on this subject of judicial districts, I may as well mention that, on the 29th of July, 1850, by act of Congress, this State was divided into two judicial districts called the Eastern and Western districts, but since the war these two have been merged into one, styled the 'District of Louisiana.' . . . Our lawyers, accustomed to the civil law practice, were much embarrassed as to the method of conducting civil causes in the courts of the United States. The distinction between 'law and equity' is unknown in Louisiana practice; the courts adjudicate all civil causes without reference to such distinction, which is peculiar to countries in which the common law prevails. In Louisiana, where the distinction derived from the common law system between writ of error and appeal is ignored, the evidence in any civil case of which the court of final resort has jurisdiction is, at the request of either party, reduced to writing; the appellate

court reviews the law and the fact without regard to the circumstance whether or not the case was tried by a jury in the court below. All the evidence is transmitted to the appellate court, which disposes of the case on its merits, even though no bills of exception are taken by either party, to the judgment of the court below on questions of law. All that is necessary to bring into activity the revisory power of our Supreme Court is the presentation of all the evidence on which the judge below decided the case; on that evidence the court will proceed to adjudicate *de novo* both the law and fact involved in the cause. . . . It is absolutely necessary for a Louisiana lawyer, who desires to practise in the Federal courts, to study the common law in order to ascertain what is a common law case, and what is a case in equity. When he finds out that his case is one in equity, he must become familiar with chancery practice in order to prosecute it with success. If his case is a common law case, he can adopt the Louisiana practice of pleading, but he must be careful in the trial of the case to resort to the common law method of proceeding."

At the graduation exercises of the Law Department of the University of Louisiana held at Grunewald Hall, New Orleans, April 27th, 1874, Mr. Semmes delivered an eloquent and classical address on "Religion as the Basis of Law," from which we extract the following:

"Themis is truly a jealous mistress; she demands constant and undivided love; her favors are withheld from those who, led astray by pleasure or the fascination of other attractions, grow cold in worship at her shrine. Action makes the orator, as we are informed by Demosthenes, but study makes the lawyer. Knowledge of all kinds is required in the extended practice of the successful advocate, and, therefore, no branch of science is to be neglected. Philosophy, physics, metaphysics, history, political economy—all in their turn, and to a greater or less degree, are called into the service of the law in adjusting the rights of litigants in courts of justice. But in the culture of your minds do not become devotees at the shrine of that mod-

ern system of material philosophy which excludes the supernatural, and by which man is converted into a mere reasoning machine, without hope, without satisfaction of his aspirations, without an object to gratify the irrepressible yearnings of the soul, and, therefore, without happiness. The most melancholy instance of a purely material culture is to be found in the autobiography of John Stuart Mill, who began Greek at three years old, read Plato at seven, studied logic at twelve, went through a complete course of political economy at thirteen, including the most intricate points of the theory of currency; at eighteen became a constant writer for the *Westminster Review*, and at nineteen edited *Bentham's Theory of Evidence*. He was brought up by his father to believe that Christianity was false, and that even as regards natural religion there was no ground for faith; for he laments 'that those who reject revelation very generally take refuge in an optimistic Deism, a worship of the order of nature, and the supposed course of Providence, at least (as he says) as full of contradictions and perverting to the moral sentiments as any of the forms of Christianity if only it is as completely analyzed.' We rise from the perusal of this drear autobiography with sad compassion for him who tells us that Coleridge described his mental condition in two lines:

"Work without hope draws nectar in a sieve,  
And hope without an object cannot live."

"The tendency of the age is to materialism; the intellect of the age is mechanical; the metaphysical and moral sciences are falling into decay; the science of the mind is neglected, philosophers are found who maintain that 'the brain secretes thought as the liver secretes bile.' It is no longer the moral, religious, and spiritual condition of the people that concerns our legislators; the physical comfort of the masses is the sole object of government. The recent scheme of compulsory education ignores moral and religious culture, sacrifices heart and soul on the altar of material science; the body politic is alone cared for, while the soul politic is thrown aside, as unworthy the consideration of states-

men. Men seem to have lost their belief in the supernatural, the invisible, the divine, the spiritual; they no longer worship the beautiful and good; virtue, having lost its absolute character, is measured by the extent of its usefulness. The spirit of materialism has invaded even the domain of the masses; the song of the poet; is it any longer 'a tone of the Memnon statue breathing music as the light first touches it? A liquid wisdom disclosing to our sense the deep infinite harmonies of nature and man's soul?' Alas, no! it is either the cold and drear song of a philosophy which relegates the soul to the gloomy region of the unknowable, or the meretricious chant of worship of the senses not ill-suited to the choristers of the Temple of Venus. We are gravely told by the scientists of the present day that belief in the supernatural, which is the foundation of all positive religion, is inconsistent with the dignity of man, that religion is the invention of tyranny, degrades the intellect, suppresses the aspirations of nature, and is antagonistic to the liberty of the people. No assertions have less foundation in fact and in reason. Religion in its nature and constitution is teleological; it teaches that the end for which all creatures are made is not temporal, but spiritual and eternal, for Him who is the absolute, the final cause, as well as the first cause of creation; that the final cause prescribes the law which all men must obey; hence it vindicates the rights of God, in the government of men. The rights of God are perfect, absolute, and the foundation of all human rights; hence the oppression of one creature by another is a violation of God's right; no wrong can be done, no man can be deprived of life, liberty, or the pursuit of happiness without a violation of God's right. Religion, therefore, as the vindicator of the rights of God, protects the inalienable rights of man, opposes despotism, arbitrary powers, and every species of slavery; it demands for God's creatures liberty, political, social, and individual, and such liberty as it demands can never degenerate into license, because license necessarily implies a violation of God's law. 'Religion,' says De Tocqueville, 'is the companion

of liberty in all its battles and triumphs, the cradle of its infancy, and the divine source of its claims; it is the safeguard of morality, and morality is the best security of law, as well as the surest pledge of freedom.' Intellectual culture, without religion, may gain an ephemeral triumph; it can never perpetuate the freedom and the civilization of a great people; it never has raised a fallen empire, or infused new life into a superannuated or effete nation. The great danger in our own country is from the predominance of material interests. Democracy has a direct tendency to favor inequality and injustice because the government must follow the passions and interests of the people, and, of course, the stronger passions and interests must prevail, and these with us are material. There is, therefore, no restraint on predominating opinions and interests but religion. The fancied antagonism between religion and real science, though frequently asserted, has never been established. Religion, on the contrary, ennobles and dignifies science. God calls himself, not only the God of goodness, the God of mercy, the God of peace, the God of wisdom, the God of justice, the God of armies, but also the 'God of all knowledge,' 1 Kings ii. 3. In the contemplation of religion science has a divine aspect, not only because to know, to comprehend, is the divine trait in man, but because nature is the work of God; substance, form, laws, phenomena, the essence of life, all have been ordained by him with infinite wisdom and power. On his work he has left the impress of himself, a splendor which reveals and manifests him. Religion invites man to scrutinize the work of God, and the wisdom of God in his work; she provokes scientific investigation. The grand scene described in the Scripture, where God caused all the beasts of the earth and fowls of the air to pass before Adam 'to see what he would call them,' is a magnificent symbol of man, in the name of God, taking possession of the world by knowledge. The Scriptures are full of recognitions of the dignity and divine origin of science. Solomon, in the Book of Wisdom, says: 'For he hath given me the true

knowledge of the things that are, to know the dispositions of the whole world, and the virtue of the elements. The beginning and ending and midst of the times, the alterations of their courses, and the changes of the seasons. The revolutions of the year, and the disposition of the stars. The natures of living creations, and rage of wild beasts, the force of winds, the reasonings of men, the diversities of plants, and the virtues of roots,' Wisdom vii. 17-20. Again in the book of Ecclesiasticus, we find: 'Honor the physician for the need thou hast of him; for the Most High has created him. The Most High hath created medicines out of the earth, and a wise man will not abhor them. The virtue of these things is come to the knowledge of men, and the Most High hath given knowledge to men, that he may be honored in His wonders,' Ecclesiasticus xxxviii. 1, 4, 6. Religion, therefore, neither repels nor fears science, nor is there any antagonism between them, and I comprehend the disdain with which Cuvier rejects the idea. That great naturalist and man of science says: 'I will not stop to reply to those who would have us believe the spirit of science is antagonistic to that of religion.' Interest in your welfare has impelled me to give you this parting warning against the most subtle enemy to your happiness. It is the most subtle because it is gratifying to human vanity, pride, and passion, as well as fashionable, to ignore the existence of a personal God, and the fact that nature forces on our hearts a Creator, history a Providence."

In 1879 he was elected a member of the Constitutional Convention, and delivered probably the ablest speech made in that body on behalf of maintaining the credit of the State, and keeping the promises of the Democratic party that the bonds issued under the legislation of 1874, called Consolidated Bonds, should be paid in full. He said:

"I have taken the trouble to examine the resources of this State as developed through the statistical reports, both of the United States and of this State, also of a certain local organization, and I am truly surprised to find that, notwith-

standing the assessed valuations have been reduced since 1865, there has been a gradual and steady improvement year by year in the progress and development of our products, until now they equal the amount produced previous to the war. The reduction in the assessed valuation is not alone the consequence of high taxation, it is the result of causes which extend throughout the United States; indeed, the cause which extends throughout the world. The same depreciation of value which has taken place in Louisiana has occurred in every State in the Union; and, indeed, although the present assessment amount to only \$177,000,000, the real value of the property assessed is much greater than the assessment of 1865, because the value of money and its purchasing power was much less in 1865 than it is now, so that the \$200,000,000 of 1865 represent property at its present value of about \$120,000,000. This great depreciation in values began in 1873, and has continued from that time to the present, and has extended throughout the entire country; and when we see the progress that has been made here in Louisiana, we wonder that such should have been the case in the face of such enormous taxation and terrific expenditure of money that has been made the subject of so much discussion here. The statistics show that the recuperative power of the State is equal to that of any State in the Union, and that we can really say of Louisiana that she is the *great State of Louisiana*. It is for this very reason that I would hesitate to impair that grandeur by consenting to any act which any one should consider as violative of any promise which this great State has made. I hesitate to do it because, notwithstanding it is intimated by the gentleman who has opened this debate that this is not our government, I hesitate to do it now because *it is our government*; it is because that which he claims is not our government is our government, and has given pledges that the public debt should remain undisturbed. Now, what do these statistics show? The State assessment in 1877-78 was about \$177,000,000, of which the Parish of Orleans represents \$109,000,000, sugar parishes (sixteen in number), \$26,700,000, thirty-six cotton parishes, \$33,400,000, and five parishes (part cotton and part sugar), \$8,250,000, making a total of \$177,000,000. The cotton parishes represent a production of about \$29,000,000; sugar parishes, \$19,000,000. The position of the State in 1860 was: Assessed values, \$420,000,000; liabilities outside of property banks, \$4,700,000. After the war, December 31st, 1865: Assessed values reduced to \$200,000,000; liabilities outside of property banks, \$5,780,000. Levees all destroyed, plantations wrecked, everything to be replaced and repaired and put in order for the purpose of developing the resources of the State—that was the condition in which the termination of the war found Louisiana. Now let us see what it is to-day. There is no record of the cotton crop prior to 1872-73; but estimating on the basis of the total cotton crop of the country, the pro rata of Louisiana cannot be put down in the year 1867-68 at over 300,000; crop of sugar same year 37,645 hogsheads. Beginning in 1872-73, the records show the State produced cotton, 434,000 bales; sugar, 108,520 hogsheads; gradually increasing year by year until, in 1877-78, we find Louisiana occupying the third rank as a cotton-producing State, the crop of cotton being 645,000 bales; sugar, 208,841 hogsheads, within 50,000 hogsheads of her average crop before the war, and only surpassed by ten crops in all her history as a sugar producer. Now, sir, the sugar crop of 1878-79 was, hogsheads, 208,841; pounds, 241,060,528; barrels of molasses, 320,881. Ten crops which exceeded the present one: 1849-50, 269,800,000 pounds; 1851-52, 257,100,000 pounds; 1852-53, 368,100,000 pounds; 1853-54, 495,200,000 pounds; 1854-55, 385,700,000 pounds; 1855-56, 254,600,000 pounds; 1857-58, 307,700,000 pounds; 1858-59, 414,800,000 pounds; 1860-61, 263,200,000 pounds; 1861-62, 528,300,000 pounds. Showing ten crops since Louisiana has been raising sugar-cane to have exceeded the present one, but of the ten four crops exceeded it but slightly. The average value of ten crops before the war, from 1852-53 to 1861-62, was \$17,314,000. Value of

crop of 1873-79, \$18,790,000. Now that shows the almost entire recuperation of the State to the condition it was before the war, so far as the sugar crop is concerned; and the crop of cotton produced is greater than at any time in the history of the State. Comparing her cotton statistics, we find in 1860-61 a crop of 481,000 bales against 645,000 in 1877-78. During the same period from 1872-73 her rice productions increased from 52,206 barrels to 140,785 in 1877-78, and 157,770 in 1878-79. Now we find the value of the principal articles received from the interior to be, in 1877-78, \$143,000,000 against \$135,000,000 in 1876-77. Our exports were \$60,000,000 in 1876-77, against \$84,000,000 in 1877-78. In 1877-78 Louisiana produced quite \$50,000,000 in cotton, sugar, molasses, rice, and manufactures.

Cotton, 645,000 bales @ \$45.00 per bale.....	\$29,000,000
Sugar, 212,000 hogsheds @ \$70.00; molasses, 310,000 barrels, @ \$13.00.....	19,000,000
Rice, 157,000 barrels at about.....	2,000,000
Oil and cake.....	3,000,000
	\$53,000,000

“The sugar plantations, according to the estimate of the Louisiana Planters’ Association, are worth in lands and machinery \$40,000,000, employing 40,000 laborers, and representing an aggregate of 200,000 souls. We have no data from which to ascertain the value of the cotton lands, producing as they do the third largest crop in the Union, but assume it is equal to sugar, \$40,000,000.

“Now let us see about the quantity and value of the principal products of Louisiana and percentage exported from the State during commercial year ending 1877.

Commodity.	Quantity.	Estimated Value	Percentage Exported from State.
Rice, pounds.....	47,189,600	1,697,787	72
Sugar, pounds.....	194,964,000	13,646,000	86
Molasses, gallons....	11,117,190	4,835,938	86
Cotton, bales.....	525,000	27,825,000	100

“Above is estimated value of actual production. The sugar, rice, and molasses are crops of 1876-77, and cotton is estimated product of commercial year ending September 1st, 1877.

“For the year 1878-79—Rice, 150,000 barrels at \$12.50 per barrel, about 10,000 barrels

more than last year, and average price \$1.00 more; sugar, 212,000 hogsheds at \$70.00 per hogshhead; molasses, 310,000 barrels at \$13.00 per barrel, to say nothing of potatoes, oranges, fruit, etc. Now as to the cotton produced from 1872 to 1879, it is a very interesting statement:

	Season 1872-73.	Season 1874-75.	Season 1875-76.	Season 1876-77.	Season 1877-78.
North Carolina.....	167,000	275,000	260,000	225,000	250,000
South Carolina.....	223,000	400,000	330,000	315,000	325,000
Georgia.....	507,000	550,000	420,000	478,000	575,000
Florida.....	42,000	63,000	60,000	55,000	60,000
Alabama.....	507,000	600,000	600,000	560,000	625,000
Mississippi.....	661,000	550,000	670,000	630,000	675,000
Louisiana.....	434,000	375,000	650,000	578,000	645,000
Texas.....	432,000	475,000	690,000	735,000	735,000
Arkansas.....	253,000	335,000	650,000	590,000	600,000
Tennessee.....	211,000	210,000	339,000	310,000	321,000
Total.....	3,442,000	3,833,000	4,659,000	4,485,000	4,811,000

In 1872 Louisiana ranked as the fourth largest cotton-producing State.  
 In 1874 Louisiana ranked as the sixth largest cotton-producing State.  
 —Cause: bad season and overflows.  
 In 1875 Louisiana ranked as the third largest cotton-producing State.  
 In 1876 Louisiana ranked as the fourth largest cotton-producing State.  
 In 1877 Louisiana ranked as the third largest cotton-producing State.

“Now as to manufacturers. In 1865 there were two small factories; now there are six, consuming 100,000 tons of seed, exporting in 1877-78, 3,280,650 gallons of oil, and about 60,000 tons of cake, representing a value together of over \$3,000,000. There are now two cotton factories, five sugar refineries, soap and ice factories, representing \$2,000,000—all since the war. Now let us look at the condition of Louisiana as compared to the other States of the Union, not only in regard to its production, but in regard to wealth, in regard to the amount of wages paid, each hand engaged in agricultural production. I read now from the census of 1870. [See table on next page.]

“So that with the exception of some great States, Louisiana pays out in wages as large a sum as any Northern State, and the rate of wages is higher than that which prevails in any State except California, Connecticut and New York. In view of this state of things, in view of the fact that our State has such vast recuperating powers, as shown by these statistics, notwithstanding the enormous taxation and extraordinary expenditure of the past ten years, our State will, in the course of a few years, be in such a condition of prosperity that we will all regard

the debt of \$12,000,000 as a mere bagatelle. It has been said that this is not our government, and the Constitution of 1868 is not our Consti-

States.	Area of Land in Improved Farms.	Value of Farm Products and Additions to Stock.	Average Product Per Acre.	Population engaged in Agriculture 10 years and over.	Average Value of Farm Products Per Hand.	Wages Paid.	Rate Per Hand.
				Male. Female. Total.			
Louisiana.....	2,046,000	\$33,007,000	\$15.42	144,530 26,937 171,467	\$37.63	\$11,043,000	\$ 78.78
Alabama.....	5,065,000	67,500,000	11.33	226,768 61,860 291,628	23.45	11,852,000	46.64
California.....	6,218,000	49,856,000	8.62	47,580 283 47,863	1,041.66	10,369,000	216.68
Connecticut.....	1,617,000	26,500,000	16.06	43,523 130 43,653	607.06	4,405,000	100.90
Georgia.....	6,832,000	80,390,000	11.77	262,132 73,993 336,145	241.30	19,800,000	59.43
Kentucky.....	8,124,000	87,177,000	10.78	257,426 3,654 261,080	335.06	10,709,000	41.01
Kansas.....	1,971,000	27,630,000	14.11	72,918 310 73,228	377.31	2,519,000	34.39
Mississippi.....	4,200,000	73,138,000	17.38	193,725 65,474 259,199	281.78	10,326,000	39.79
New York.....	15,627,000	253,526,000	16.22	373,455 868 374,323	677.20	34,500,000	92.16
North Carolina...	5,239,000	57,845,000	10.99	241,010 28,288 269,298	220.05	8,350,000	31.00
Illinois.....	19,332,000	210,861,000	10.98	375,407 1,034 376,441	560.15	22,338,000	59.34
Minnesota.....	2,322,000	33,446,000	14.40	74,663 494 75,157	444.88	4,160,000	58.01
Texas.....	2,965,000	49,185,000	16.59	132,722 14,031 146,753	354.98	4,778,000	28.70

In 1869, 95,000,000 pounds of sugar only in Louisiana.

tution, and that consequently none of the legislation enacted by any Legislature since 1868 is binding upon the people of this State. If the Constitution of 1868 is not our Constitution, and the law of 1874 not the law of the State, obligatory upon the people, by what right are we here assembled in convention? If the act of 1874 is not obligatory, for the reason given, the act convoking this Convention is, for the same reason, void, and we are not assembled here by any lawful authority, and the consequence is we are a mob. There is no power in the name of the people to frame a constitution,

and in the case supposed we hold no legal authority from the people to act in their behalf, but this government, having laws, is at least a *de facto* government. What is the government? it is the powers that be; it is that which exercises authority, whether it be a despotism or a tyranny; it is that organization which controls the territory of the State, holds the reins of power to enforce its enactments. It is immaterial whether the power which controls the government is constitutional or not; all *de facto* governments are recognized as having the lawful authority to bind the people governed by contract, which contracts have ever been regarded as obligatory upon any succeeding government. Sir, I do not speak unadvisedly. In a recent case in the Supreme Court—'Such was the government of England under the Commonwealth established upon the execution of the King and the overthrow of the loyalists. As far as other nations are concerned such a government is treated as in most respects possessing rightful authority; its contracts and treaties are usually enforced, its acquisitions are retained, its legislation is in general recognized, and the rights acquired under it are, with few exceptions, respected, after the restoration of the authorities which were expelled. But under the Constitution of the United States there cannot be a *de facto* State government, because the Constitution has vested in the Federal government the power to determine which is the legal and which is the illegal government which may exist in any State, and therefore any State government, which is recognized by the Federal authority, is necessarily the *de jure* government, because the Federal Constitution, for the purpose of preserving peace and tranquillity, has created a tribunal to decide what government is legal, and that tribunal is the Congress of the United States, and the Congress of the United States, by the act of 1795, has authorized the President of the United States, when called upon by the Legislature of a State, or by the Governor of the State (if the Legislature cannot be convened), to use the military force of the country for the purpose of suppressing insurrection, and therefore any State



government, which is sustained by the military power of the United States, is *the only legal government*, whatever may be the opinion, the feeling, or the sentiment of those opposed to it. If this is not our government, and has not been our government since 1868, where has our government been? and where is it now? and where has our State of Louisiana been since 1868? Certain it is that the territory, which is called Louisiana, is subject to the control of a government, called the government of Louisiana, and we have been living under it, and, although we may be opposed to it in sentiment, and do not, as individuals, feel any disposition to recognize it, yet as members of the community, subject to that government, we are legally bound by its acts. This idea of a dual government is not new, and has formed matter for the consideration of the Supreme Court of the United States, in the case of *Keith vs. Clark*. In that case the court said: 'The first is, to us, an entirely new proposition, urged with much earnestness by the counsel, who argued the case orally for the defendant. It is in substance that what was called the State of Tennessee prior to the sixth of May, 1861, became, by the ordinance of secession, passed on that day, subdivided into two distinct political entities, each of which was a State of Tennessee. One of them was loyal to the Federal government, the other was engaged in rebellion against it. One State was composed of the minority, who did not favor secession; the other of the majority, who did. That these two States of Tennessee, engaged in a public war against each other, to which all the legal relations, rights, and obligations of a public was attached. That the government of the United States was the ally of the loyal State of Tennessee, and the Confederate rebel States were the allies of the disloyal State of Tennessee. That the loyal State of Tennessee, with the aid of her ally, conquered and subjugated the disloyal State of Tennessee, and, by right of conquest, imposed upon the latter such measure of punishment and such system of laws as it chose, and that by the law of conquest it had the right to do this. That one of the laws so imposed by the conquering

State of Tennessee on the conquered State of Tennessee was this one, declaring that the issues of the bank, during the temporary control of affairs by the rebellious State, were to be held void, and that, as conqueror and by right of conquest, the loyal State had power to enact this as a valid law. It is a sufficient answer to this fanciful theory that the division of the State into two States never had any actual existence; that, as we shall show hereafter, there has never been but one political society in existence, as an organized State of Tennessee, from the day of its admission to the Union in 1796 to the present time; that it is a mere chimera to assert that one State of Tennessee conquered by force of arms another Tennessee, and imposed laws upon it; and, finally, that the logical legerdemain by which the State goes into rebellion, and makes, while thus situated, contracts for the support of the government in its ordinary and useful functions, which are necessary to the existence of social life, and then, by reason of being conquered, repudiate these contracts, is as hard to understand as similar physical performances of the stage.' Whatever may be the character of this government, whether *de facto* or *de jure*, it is clear that any contracts entered into by the State government, since 1868, are obligatory upon the people of the State now, and will be obligatory upon the people of the State after they have adopted the constitution which we are about to make. Mr. Wheaton says: 'As to public debts—whether due to or from the State—a mere change in the form of the government, or in the person of the ruler, does not affect their obligation. The essential power of the State, that which constitutes it an independent community, remains the same; its accidental form only is changed. The debts being contracted in the name of the State, by its authorized agents, for its public use, the nation continues liable for them, notwithstanding the change in its internal constitution. The new government succeeds to the fiscal rights and is bound to fulfil the fiscal obligations of the former government.'—*International Law*, p. 30. And the Supreme Court of the United States, in the case of *Keith vs.*

Clark, adopted the language used by Mr. Wheaton as a part of their opinion. This principle is further enforced by the Supreme Court in the case of *Keith vs. Fox*, December, 1878, p. 97. But, sir, this is our government. Do we not all remember that in September, 1874, the people rose up in arms and overthrew the Kellogg government? Do we not know that the Legislature, elected in the fall of 1874, was organized, in January, 1875, under Federal bayonets? Do not we know that a Congressional committee was sent down here by Congress to ascertain which was the legal Legislature of Louisiana, and after an investigation was made, a compromise was entered into, the celebrated 'Wheeler Compromise?' That under that compromise the Legislature was recognized, and the first act which it passed was a joint resolution, which I will read:

“No. 1. Extra session, convened April 14th, 1875. *Resolved by the General Assembly of the State of Louisiana*, That said Assembly, without approving the same, will not disturb the present State government, claiming to have been elected in 1872, known as the Kellogg government, or seek to impeach the Governor for any past official acts, and that henceforth we will accord to said Governor all necessary and legitimate support in maintaining the laws and advancing the peace and prosperity of the people of this State, and that the House of Representatives, as to its members, as constituted under the award of George F. Hoar, W. Wheeler, W. P. Frye, Samuel L. Marshall, Clarkson N. Potter, Charles Foster and William Walter Phelps, shall remain without change, except by resignation or death of members, until a new general election, and that the Senate, as herein recognized, shall also remain unchanged, except so far as that body shall make changes on contest.' This compromise was entered into with the approval of the present chairman of the committee on State debt, and of Mr. Leonard, the then much-beloved leader of the people of Rapides, Natchitoches, De Soto and Caddo. The Legislature immediately proceeded to pass laws for the relief of the delinquent tax-payers, and to provide for carrying into effect the act of January, 1874, by

virtue of which the present State debt was created. The supplemental funding act enumerated certain classes of bonds as subject to suspicion, and prohibited the Funding Board from issuing any bonds in exchange for the suspected ones, until their validity had been determined by the Supreme Court of the State, and the Supreme Court of the State was required to ascertain whether these suspected bonds, which amounted to about fourteen millions of dollars, had been issued in strict conformity to law, and not in violation of the Constitution of this State and the United States, and for a valid consideration. The act further prescribes 'that any person assessed for State taxes is authorized in his own name to institute suit, or to intervene in any suit that may be brought, to test the legality and the validity of any issue of bonds of the State.' So that any person in the State was at liberty to bring a suit to test the validity of the bonds, or to intervene in any suit that might be brought by the Attorney-General for that purpose. The very fact that certain classes of bonds were enumerated as subject to suspicion is an admission that the non-enumerated bonds were free from any taint of illegality. The original funding act of 1874 created a special tribunal, called the Funding Board, for the purpose of deciding the question of the legality of the bonds tendered for funding. Their authority was respected by the supplemental funding act of 1875, but all the bonds of the State which had been funded have been declared legal by the tribunal created by the State for the express purpose of investigating the subject. Prior to the passing of the funding act, the Governor of the State appointed a committee of citizens to investigate and report upon the then existing State debt. That committee was composed of Moses Greenwood, Robert Watson, B. F. Joubert, Benjamin F. Flanders, A. Peralta (then Auditor of the State), John R. Clay, Louis Schneider and John A. Stevenson, and they reported that the liabilities of the State amounted to at least \$23,000,000. Prior to that period, on the 28th of March, 1871, the property-owners and tax-payers of the city of New Orleans issued a circular to the

world in which they admitted this State owed \$25,000,000. Not only that, they warned people not to take any bonds other than those enumerated by them in their circular, thereby inviting people to invest in the bonds thus enumerated, as good and valid obligations of the State. You will see, from the names attached to it, that all the leading merchants, bankers and property-holders have announced to the world that the bonds which have since been funded were legal obligations of the State. Since the Nicholls' government has been inaugurated the Legislature has expressly ratified the funding act of 1874. On the 12th March, 1877, the Nicholls' General Assembly passed an act, the title of which is as follows: 'To enforce effectually the constitutional amendments, proposed January 24th, 1874, ratified at the general election, held November 2d, 1874, relative to the State debt, and the funding thereof; protecting the interests and the holders of said bonds by virtue of said amendments, and for that purpose to amend and re-enact act No. 3, approved January 24th, 1874.' Under these circumstances, is it possible for us to go back on those declarations made by Legislatures, by citizens and by tax-payers, and now undertake to reject as illegal bonds which would have been held to be legal either by the Supreme Court of the State or by a special tribunal created for the purpose of testing their legality? If we do, it is not unreasonable to suppose (and I do not hold it out as a threat) that the creditors of the State will endeavor to resort to legal measures for the purpose of coercing the State. I know very well that newspaper lawyers have hooted at the idea that this State can be coerced by judicial proceedings, but the funding act of 1874 has been declared by the Supreme Court of the United States, in the case of *McComb vs. The Board of Liquidators*, to be a contract between the State and the bond-holders. It has also been declared that the constitutional amendments of 1874 were adopted by the people, and constituted a part of the contract. The Supreme Court of the State has repeatedly held that the act of 1874, and the amendments of 1874, irrevocably pledge the faith of the State to the pay-

ment of the consolidated bonds issued under the authority of that act, and the Supreme Court of the State has further declared that the amendments of 1874 had become a part of the constitution by its ratification by the voters at the polls. The *Pacific Railroad* case, *Thirtieth Annual*, 986: 'It is true that the State cannot be sued in the Circuit Court of the United States, it is also true that the Circuit Court of the United States has no original jurisdiction to issue a writ of mandamus, and that it can only issue a writ of mandamus in aid of a judgment.' Nevertheless, Congress might to-morrow confer a jurisdiction upon the Circuit Court of the United States to issue an original writ of mandamus, and in that event nothing would be easier than to coerce the officers of the State to levy the five and a-half mill tax mentioned in the act of 1874. If any State in this Union chose to do so, it might, for the benefit of its citizens, acquire a title to those consolidated bonds, and thereupon bring suit in its own name in the Supreme Court of the United States against the State of Louisiana, and, after obtaining judgment, that court would undoubtedly (as it has the constitutional authority to do) provide measures by which the assessment and collection of the five and one-half mills tax could be enforced. The State of Louisiana has gone further than any other State in the Union in submitting herself, so far as these consolidated bonds are concerned, to judicial pursuit, for she has expressly declared in the constitutional amendments that the judicial power may be exercised to enforce the collection and payment of the five and a-half mills tax. The reason why States, as a general rule, can ignore their obligations is that even after taxes are collected and paid into the State treasury, for the purpose of meeting State debts, there is no power known to the law by which the Legislature can be compelled to appropriate the money in the treasury to the payment of State debts. But the constitutional amendment of 1874 removes this difficulty, because it declares that the principal and the interest on these bonds shall be paid by the treasurer of the State to the holders of the bonds, without any further

legislation or appropriation, and, therefore, the treasurer of the State can be reached by a mandamus to compel him to pay over the funds realized from the five and a-half mills tax. But no State of the Union has any sovereign power over contracts. The Constitution of the United States expressly provides that a State shall impose no law impairing the obligation of contracts, and it has been repeatedly held that this inhibition applies as well to the constitutional convention as to the enactments of the Legislature. Between independent States the refusal to pay public debts is a just cause of war. If we were an independent State, and undertook to refuse payment of these consolidated bonds to British holders, a British fleet might soon ascend the river for the purpose of enforcing payment at the cannon's mouth. But the Constitution of the United States undertakes, so far as foreign powers are concerned, that no State shall violate its obligations, and, therefore, that constitutional provision is a substitute for military force, and hence, although that same Constitution does not allow the State to be sued *by private individuals*, it does allow one State to sue another, and it may be the State of New York, in the interest of its own citizens, may be authorized to bring suit in the Supreme Court of the United States against the State of Louisiana, to vindicate the rights of such bond-holders as may be citizens of the State of New York. I do not undertake to say that all this can be done, but I do undertake to say that it is within the range of possibilities; and as such must be taken into account in considering this subject; for I can imagine no greater disgrace to which the State of Louisiana could be subjected than that she should refuse to pay this consolidated debt, and should be afterward coerced to make payment by the judicial power of the United States. . . . It is manifest that the State has gained as much, if not more, by the scaling than she has lost by funding any questionable bonds, and, therefore, as this process of funding has so mixed up the claims of the respective creditors, every principle of justice and policy requires that the *statu quo* shall remain undisturbed, for the majority of the

committee in their report admit that they cannot trace out and identify any particular bond after it has gone through the process of funding, and hence that part of their report is extraordinary which recognizes certain bonds as just and valid, and proposes to issue new bonds in exchange for them, at a lower rate of interest, it is true, than the original bonds were, when it is well known that all the bonds thus recognized have been surrendered and funded, and their owners cannot be identified. . . . The truth is, all that Louisiana needs is rest; and she will find her creditors, in my opinion; disposed to give her an opportunity to recuperate, because it is to their interest to do so. They may do as the creditors of Alabama did, remit the interest for one year, take a low rate of interest for five years, increase the rate of interest for the next five years, and thereafter fix it at four per cent. If such an arrangement can be made, taxation will be reduced to six and a-half mills on the dollar, at the outside. All the finances of the State will be placed upon a cash basis, industry will be stimulated, and our State will progress as rapidly in prosperity as any State can do under that general depreciation prevalent, not only throughout the United States, but throughout the civilized world."

Mr. Semmes has been selected on several occasions to be the exponent of the views of his Roman Catholic fellow-citizens. In 1871, on the twenty-fifth anniversary of the accession of Pope Pius IX. to the papal throne, he delivered an oration at St. Patrick's Hall, New Orleans.

At a meeting held at St. Alphonsus Hall, New Orleans, convoked for the purpose of protesting against the oppressive measures enforced by the German government against the Roman Catholics in that country, Mr. Semmes delivered an address on Dr. Falk's "May Laws." Dr. Falk, the German Minister of Education, secured the passage of these laws, which take from the Roman Catholic Church the power to educate or ordain ministers of religion in Germany, except under the supervision and by the permission of the State; it was for non-compli-

ance with them that so many Roman Catholic bishops and priests in Germany were fined, imprisoned, or driven into exile. These laws are regarded by the whole Catholic world as a wanton attack on the freedom of religion by a government which claims to be the most enlightened in the world. They now constitute the subject-matter of negotiation between Pope Leo XIII. and Prince Bismarck.

Mr. Semmes is President of the School Board of the city of New Orleans, having been appointed to that position on the accession of the Nicholls' government, in 1877. He has six children, two girls and four boys; his daughters, Myra and Cora, are school-girls at the Convent of the Sisters of the Visitation, Georgetown, D. C.

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DR. ROBERT CAMPBELL.

GEORGIA.

**R**OBERT CAMPBELL, brother of Dr. H. F. Campbell, whose sketch appears elsewhere in this volume, was born at Woodville, near Augusta, Ga., May 1st, 1826. He was educated at the Richmond County Academy, Augusta, and completed his studies with his brother, Henry Fraser Campbell, under the private tutorship of Dr. Isaac Bowen, a graduate of Brown University, Rhode Island. He studied medicine under Dr. Joseph A. Eve and Dr. H. F. Campbell, and entered the Medical College of Georgia, now the Medical Department of the University of Georgia, in 1845, graduating thence M. D. March 4th, 1847. He was Assistant Demonstrator of Anatomy in the medical college from 1848 to 1854, and succeeded his brother, Dr. H. F. Campbell, in the demonstratorship in 1854. In the same year he received the honorary degree of A. M. from Oglethorpe University. He settled in Augusta and commenced the practice of his profession in association with his brother in 1847, and with him conducted an extensive and lucrative practice until 1860, his brother practising principally as a surgeon and

he as a physician, but giving special attention to obstetrics and the diseases of children. In 1853, in conjunction with his brother, he established the "Jackson Street Hospital and Surgical Infirmary for Negroes," a convenient and comfortable place of abode for the colored people during the treatment necessary for surgical and chronic diseases. An institution of this kind had become a great desideratum in antebellum times, as there was no convenience for the treatment of this class when afflicted with chronic disease. Dr. H. F. Campbell was the surgeon to this institution, and Dr. Robert Campbell the physician. It afforded accommodation for fifty patients, male and female, and provided especially for the treatment of surgical operations, chronic diseases and diseases of women, and an obstetric ward was fitted up for cases requiring it. He was Lecturer on Clinical Medicine in Jackson Street Hospital, Augusta, and during his connection with the Medical College of Georgia was tendered the chair of Anatomy in four different colleges, an honor more to be valued in those days than now, when colleges of all kinds are so numerous. In 1860 he was appointed Adjunct Professor to the chair of Obstetrics in the Medical College of Georgia, occupied by Professor Joseph A. Eve, and in connection with that chair lectured upon the anatomy appertaining to obstetrics and gynecology, embryology and the diseases of children. A few years afterwards, on account of ill health, he retired from his position in the college, and relinquished the active practice of his profession in Augusta, although he still continues, at the solicitation of many of his old patients, to practise to some extent in the vicinity of his residence, near Augusta. He was one of the founders and first members of the Medical Association of Georgia, and one of the earliest members of the American Medical Association, having become a permanent member at its meeting in Boston, in 1849. He edited, conjointly with his brother, Professor Henry F. Campbell, from 1857 to 1861, five volumes of the *Southern Medical and Surgical Journal*, one of the oldest medical periodicals in the South.

Since his retirement he has been engaged in farming in Richmond county, Ga., a few miles from Augusta.

Dr. Robert Campbell has promulgated new views as to the pathology and treatment of epidemic dysentery, which received the commendations of various journals in America and England, and were verified by the successful experience of many practitioners and had a decided influence in moulding the opinions and practice of the profession on that subject in the South. As to its pathology, he taught that in dysentery there are two co-existing and co-extensive conditions, as manifested by their co-equal symptomatic results, viz.: spinal irritation and an inflammation in the mucous membrane of the large intestine. The two main points of treatment advocated being the administration of quinine for the cerebro-spinal or paroxysmal febrile element, and the preparation familiarly known to the profession as "the oil and turpentine emulsion," for the local disorder, special indications in individual cases being met by the usual appropriate remedies. His views as to the action of quinine give a more satisfactory explanation on this point perhaps than any yet advanced—a subject on which systematic writers are still at variance. In 1858 he published the proposition that "Quinine exercises its primary action upon the middle or fibrinous coat of the blood-vessels, and that upon its influence in that tissue all its observed effects depend," and in further elucidation of these views, in an essay presented to the Medical Association of Georgia, April, 1869, he advances the following propositions: 1st. That quinine does not act primarily upon the nervous system; 2d. That its effects upon the nervous system are neither those of a stimulant nor of a sedative; 3d. That its manifest uniform phenomena are at variance in character with those of any known neurotic; 4th. That there is no concordance between the degree of its apparent influence over the nervous system, and the size of the dose, as obtains with all neurotics; 5th. That its phenomena are varied in character and degree, more in accordance with an associate condition of the vascular

than of the nervous system; 6th. That its action is primarily exerted upon the vascular system by a specific agency directed to the fibrinous coat of the vessels and having the power of condensing or contracting that tissue—probably by chemical union with its elements, similar to that of the vegetable astringents. By virtue of this property it overcomes all engorgements of the vascular system—by constricting the vessels. Thus it relieves entirely or partially all those diseases which depend upon engorgement, resulting from vascular exhaustion or debility, such as would proceed from relaxation in the middle coat, whether occurring in a vascular organ, as lung, spleen, or liver, or in a nervous centre, as brain, spinal marrow, or ganglion; 7th. That this interpretation is the only one which can furnish a satisfactory explanation of the phenomena consequent upon the administration of quinine.

His contributions to medical literature have been numerous. Among them may be mentioned "Anatomical Peculiarity in regard to the Nutritious Canals in the Long Bones," *Southern Medical and Surgical Journal*, October, 1848; "The Morbific Influence of Intestinal Worms," *ibid.*, June, 1851; "Case of Senile Gangrene of the Inferior Extremities," *ibid.*, August, 1851; "Death from Ovarian Tumor in a Child," *ibid.*, October, 1851; "Report on Empirical Remedies," Transactions of the Medical Association of Georgia, April, 1852; "Inverted Toe-nail: Treatment without Operation," *Southern Medical and Surgical Journal*, February, 1857; "Gun-shot Wound of the Hand," *ibid.*, July, 1857; "Dysentery, its Pathology and Treatment," Clinical Lectures, pp. 65, *ibid.*, December, 1857, February and March, 1858; "On the Treatment of Typhoid Fever," *ibid.*, July, 1858; "Quinine, the Fibrinous Coat of the Blood-vessels, the Seat of its Ultimate Therapeutical Action," *ibid.*, August, 1859.

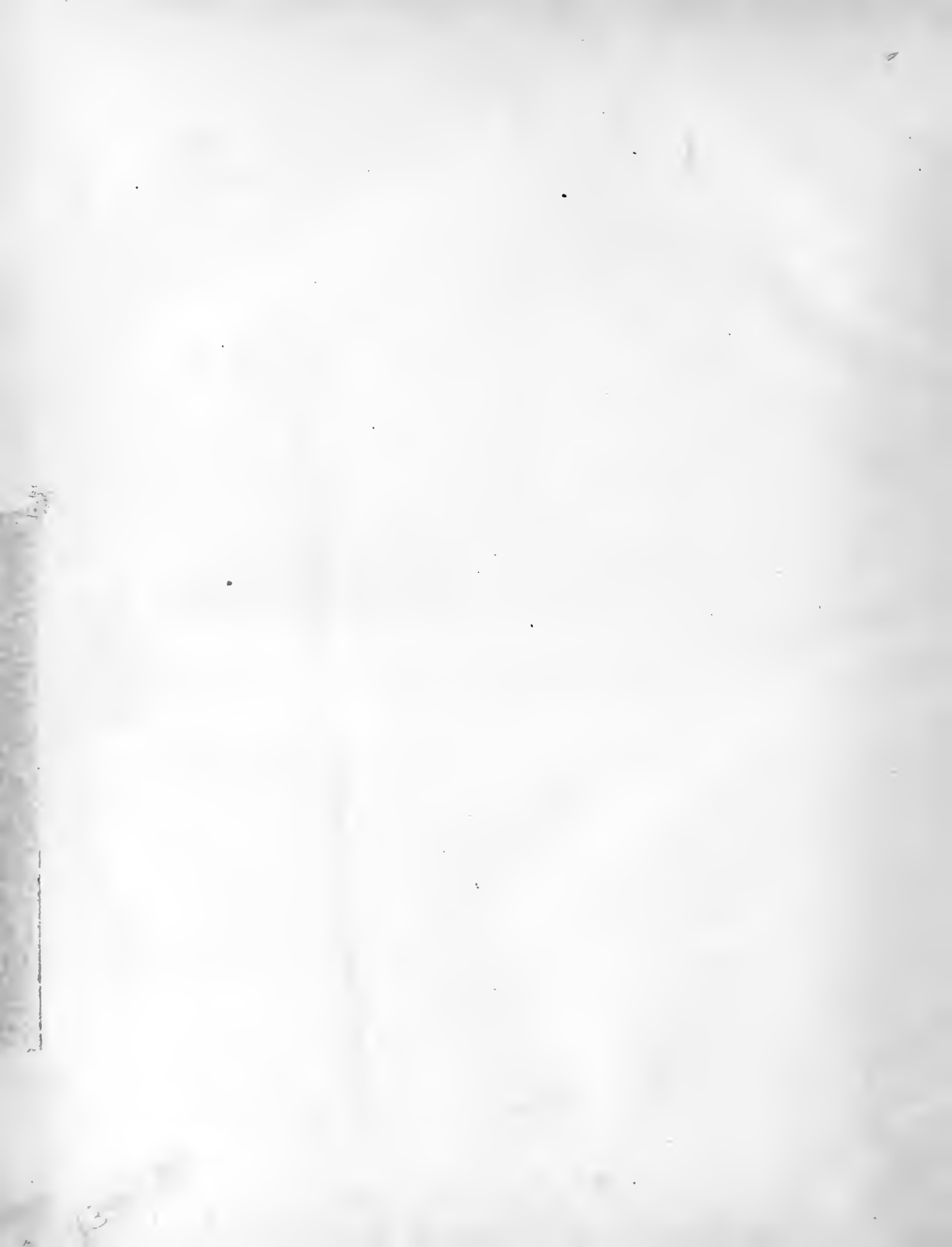
Dr. Robert Campbell possesses a fine type of mind, and has displayed considerable genius as an artist and painter, while he inherits in a remarkable degree the poetic genius of his mother, and his grandfather, Joseph Eve. During his

connection with medical institutions he was distinguished especially for his skill, accuracy and comprehensive knowledge as a teacher of anatomy and as an able and attractive lecturer on clinical medicine. Never were two brothers more identified with each other in tastes, habits and pursuits than Dr. Robert Campbell and his brother, Dr. Henry F. Campbell: educated at the same academy and under the same private tutor, they both chose the medical profession, Robert following his brother in the various steps in the medical college. Associated together in practice and in the establishment and conduct of the Jackson Street Hospital, they were also for many years co-editors of the *Southern Medical and Surgical Journal*. Besides being joined in marriage to two sisters, they have thus been

united professionally and socially in a remarkable degree, and it is not surprising that their opinions, tastes, habits and dispositions have displayed a marked similarity.

He married, in June, 1848, Caroline Frances, daughter of Amory Sibley, a well-known merchant of Augusta, and sister of Mrs. Henry F. Campbell, and has ten children. His eldest son, Dr. Amory Sibley Campbell, is now Dr. H. F. Campbell's associate in the practice of medicine and surgery in Augusta, Ga., a well-known contributor to some of the leading medical periodicals in this country, lately President of the Augusta Medical Society, and formerly Demonstrator of Anatomy in the Medical Department of the University of Georgia.

THE END.

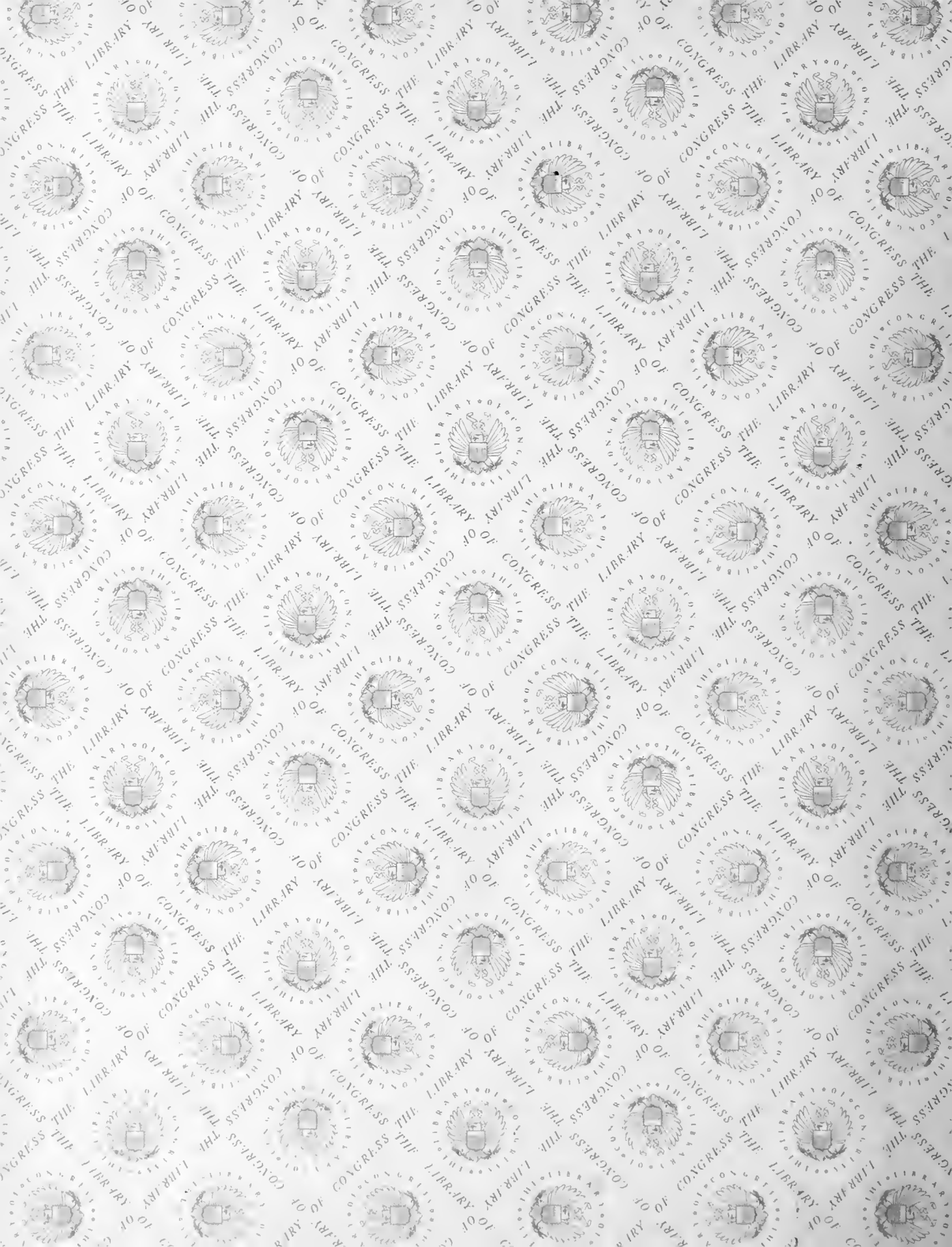


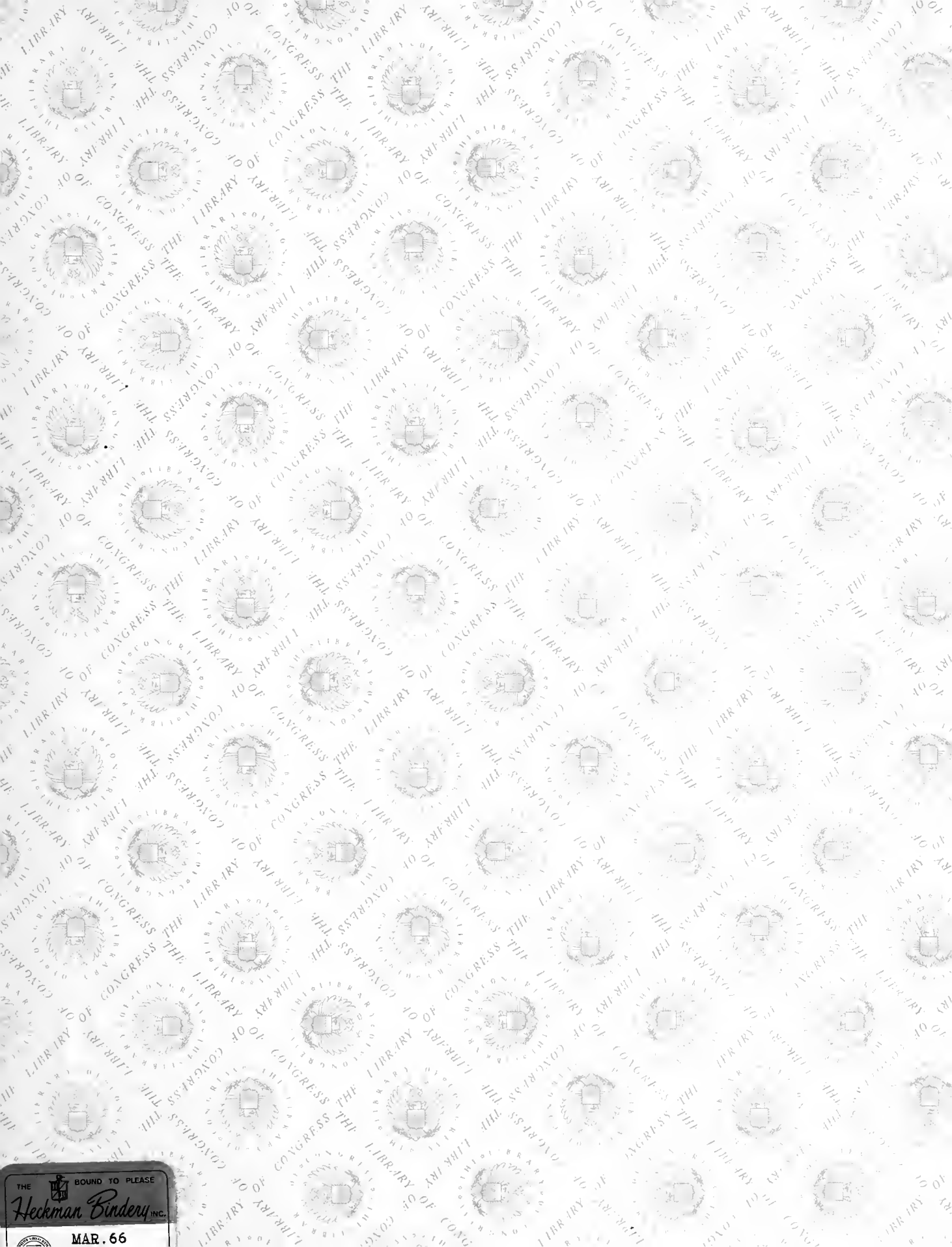












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